



**CITY OF HAYWARD
AGENDA REPORT**

AGENDA DATE October 27, 1998
AGENDA ITEM 5
WORK SESSION ITEM _____

TO: Mayor and City Council
Redevelopment Agency Board

FROM: Director of Community and Economic Development

SUBJECT: **Certification of Final Environmental Impact Report, and Approving Proposed Amendment to the Downtown Hayward Redevelopment Plan and Related Documents**

Recommendation:

It is recommended that the City Council and Agency Board:

- . Adopt resolution certifying and adopting the FEIR;
- . Adopt resolution of findings in response to written objections to the proposed Redevelopment Plan Amendment;
- . Introduce an Ordinance adopting the proposed Redevelopment Plan Amendment: and
- . Adopt resolution approving the Five-Year Implementation Plan (1999-2003) and findings regarding use of **Low** and Moderate-Income Housing funds outside the Redevelopment Project Area.

Overview of the Report to Council:

The proposed Redevelopment Plan Amendment would accomplish two major objectives. First, the Plan Amendment would add approximately 370 acres to the existing Project Area. The primary goals associated with the Added Area are: 1) to preserve the established residential areas, with special attention to the B Street corridor; 2) to implement the goals of the City's adopted plans, especially the Burbank and Santa Clara Neighborhood Plans; 3) to promote **re-use** of obsolete buildings where possible; and 4) to consider projects that eliminate blight or land use incompatibility, or provide needed public improvements.

The second major objective of the proposed Redevelopment Plan Amendment is to extend certain limitations with respect to the Existing Area. In essence, the Amendment would increase the time limits to incur debt by 10 years, and extend the time limit to receive tax increment by 5 years. It would also increase the limit on the amounts of outstanding debt to \$150 million and the limit on the amount of tax increment that the Agency may collect. Finally, the Plan Amendment would extend the Agency's powers of eminent domain by 12 years. The reason for these extensions is

that while progress has been made in revitalizing ~~the~~ Existing Project Area, it continues to suffer from significant economic and physical conditions that impair progress. The Plan Amendment will provide for additional tax increment revenues and powers to allow the Redevelopment Agency to continue its efforts to revitalize the greater downtown Hayward area.

Physical and Economic Conditions in the Amended Project Area:

The Report to Council contains documentation regarding blighting physical and economic conditions found in the Added Area and the Existing Area. With respect to the Existing Area, there are still a number of deficient and substandard buildings, a relatively high commercial vacancy rate, stagnating property values, inadequate parking facilities and parcels of irregular shape and inadequate size. With respect to the Added Area, there are a number of deteriorated or dilapidated buildings, incompatible adjacent uses **and** a number of substandard or underutilized lots. In addition, the Added Area exhibits stagnating property values, the presence of hazardous materials and a relatively high crime rate.

The Proposed Redevelopment Program:

The redevelopment program was designed to alleviate blighting conditions in the Amended Project Area and to meet the Agency's affordable housing conditions. Total redevelopment program expenditures are projected to cost \$72.1 million in constant dollars, of which \$10' million is for program administration and \$20.6 million is for affordable housing. The remaining \$41.5 million would be reserved for non-housing projects,' including \$22.9 million for the Added Area and \$18.6 million for the Existing Area.

The proposed projects are organized into four categories: economic development projects in the Added Area, economic development projects in the Existing Area, public improvements and housing projects. Housing projects are discussed below. The economic development projects in the Added Area primarily address the re-use or redevelopment of older industrial uses, such as the Cannery Site, including hazardous materials remediation as necessary. The economic development projects in the Existing Area are a continuation of the work that the Agency has been doing, with the additional funds for parking, sidewalk repair, and provision of a facade rehabilitation program for Foothill Boulevard. The public improvements programs include street landscaping and lighting improvements, and new circulation improvements in the Cannery area to buffer the residential areas from through traffic. These projects are also intended to improve the linkage between the Amtrak Station and the Downtown BART Station.

The HRAC proposed one project substitution. In discussing the needs of the area with the School District and with the Hayward Area Recreation District (HARD), the **HRAC** learned that it would be desirable to both districts to facilitate a connection between Burbank School and Cannery Park.

Financial Feasibility:

The Amended Redevelopment Area is projected to generate a total of \$104.4 million in constant (present value) dollars over the life of the Plan. Of this amount, approximately \$18.6 million is estimated for passed through payments to other taxing entities, including the City, and approximately \$11.2 is currently required to repay outstanding debt. This leaves \$74.6 million available for administration, housing and non-housing projects.

The growth in property taxes was projected by the Agency's consultants, Seifel & Associates. The projection takes into account the 2% per year **inflationary** adjustment to property taxes that is allowed under Proposition 13, and adds a "reassessment adjustment" which accounts for sales of property and improvements to existing property. Finally, the consultants and staff jointly worked to project new development that would add tax increment to the Amended Project Area over the life of the Plan. These projections amount to a total of 1,122 new residential units, 499,000 sq. ft. of new commercial development and the re-use of 424,000 sq. ft. of existing industrial building space. The projected development is within the range of projections used for the recent General Plan Circulation Element update, and is somewhat less than the projections used for the Draft Program EIR for the Redevelopment Plan Amendment.

The proposed Amended Redevelopment Plan has been found to be financially feasible given the overall balance between projected revenues and expenditures. It will be possible maintain an accounting of expenditures versus revenues generated by the Existing versus Added Areas, in order to balance the funding of each area over time.

The Five-Year Implementation Plan

The Five-Year Implementation Plan contained in the Report to Council is intended to serve as a flexible policy guide, rather than a budget. Due to various opportunities and constraints that will present themselves over the next several years, the Agency will need to adjust its priorities annually for these changes. As discussed at the worksession, changes to the Five-Year Plan can be considered in the context of the annual budget process. The Implementation Plan provides a list of projects that is a subset of the full redevelopment program. Nevertheless, there are more projects listed in the Implementation Plan than can be funded over the next five years. This allows the needed flexibility to adjust priorities. A total of \$11.6 million is proposed for funding over the next five years. Of this amount, \$2.2 million is estimated for administration, \$5.1 million is estimated for housing projects and \$4.3 is available for non-housing projects. The primary reason for the relatively high level of expenditures for affordable housing is the Agency's current cash balance of Low/Moderate Income housing funds.

Major housing programs during this period include funding for rehabilitation of the 85 unit Green Shutter Hotel on B Street and assembly of Site Four for future housing development. In addition,

funding is proposed for the first time homebuyer program and for single family and rental housing rehabilitation programs. Much of this effort would be directed to the Added Area.

Review by Taxing Entities:

There **are** 14 taxing entities in the proposed Amended Redevelopment Area that will be affected to a greater or lesser degree by the proposed Plan Amendment. As previously discussed, one of these entities is the City of Hayward. Because of the 1994 amendments to California Redevelopment Law (CRL), taxing entities are now entitled to receive annual tax increment passthrough payments on a formula basis. Projections of the passthrough payments to each entity are found in the Report to Council. Agency staff contacted all of the taxing entities by letter and by telephone. In addition, staff met with representatives from the Hayward Unified School District, Hayward Area Recreation District and with the County. All of the taxing entities contacted were aware of the passthrough payments, and, none expressed reservations regarding the proposed Plan Amendment. On October 6, 1998 the City Council elected to receive its passthrough payments and also agreed to transfer these payments back to the Agency for the first five years.

Responses to Written Objections:

The Agency must adopt **findings** related to any written objections that are received with respect to the proposed Redevelopment Plan Amendment before the City Council can adopt the Plan Amendment Ordinance. The Agency has received one letter from Select Foods requesting that their property be removed from the proposed Added Redevelopment Area, and staff has responded to that letter (see resolution attachments). One of the reasons that Select Foods lists is that they believe their property does not suffer from economic or physical blighting conditions. However, as an industrial land use there are aspects of its operations which are incompatible with the residential uses adjacent to it, and redevelopment law lists incompatible land uses as a blighting factor. In addition, the Select Foods property is essentially no different from the other industrial uses in the proposed Added Area, and is integral to the long-range plans for conversion of industrial uses. If this property is left out of the Project Area, it is likely that the incompatible use will remain long after the other industrial properties have been converted.

Use of Low/Mod Funds Outside the Project Area:

One of the Agency resolutions proposed for adoption contains **findings** that the use of Low and Moderate Income Housing funds housing outside of the Amended Project Area will be of benefit to the Project Area, in order to provide more flexibility for the use of this fund. The Agency previously adopted such a resolution for the Existing Project Area, and Low and Moderate Income Housing funds have historically been used to fund affordable housing activities both within and outside of the Project Area. This policy would simply be extended to the Added Area.

Council and Redevelopment Agency Board Members
October 6, 1998

The HRAC Report:

The **HRAC** Report has been distributed to the Agency Board. In brief the HRAC recommendations are as follows:

- The HRAC recommends approval of the Redevelopment Plan with the inclusion of a provision that eminent domain be the method of property acquisition of last resort.
- The HRAC recommends approval of the Owner Participation Rules with the inclusion of a definition for the term “in conformance with the Redevelopment Plan.
- The **HRAC** recommends approval of the Implementation **Plan** with the inclusion of the following policies:
 1. Coordination between the City/Agency, the School District and HARD to explore improving the Burbank School facility;
 2. Retain the small-scale, single family character of the established Burbank and Santa Clara **residential** neighborhoods;
 3. Preserve the Victorian homes and sycamore trees along B Street, the Ramos bungalows and other existing residential styles;
 4. Revenue sharing between the Existing and Added Areas should be accounted for by the Agency;
 5. The Committee supports a rental housing rehabilitation program as outlined in the Implementation Plan.

The Agency Board has recently adopted Owner Participation Rules that incorporate the **HRAC's** recommendation. With respect to the other recommendations, staff has no objections and these will be added to the final version of the documents.

Public Review:

The HRAC met a total of six times from June through September, and produced a Report to the Redevelopment Agency, which **focussed** their major concerns into a series of recommendations. In addition to the **HRAC** meetings, the Council and Agency Board and the Planning Commission discussed the proposed Plan Amendment at several meetings throughout this year, and in May the Agency sponsored a community meeting which explained the purpose of the proposed Plan Amendment and the Plan adoption process.

Council and Redevelopment Agency Board Members
October 6, 1998

The City Council/Agency Board reviewed the Report to Council and the Redevelopment Plan on October 6, 1998. The Council had comments regarding the basis for development and revenue projections, the need to establish project priorities, the assemblage of larger parcels for development, the need for community outreach, and ~~the~~ need for documentation by the school district on how to accommodate future student growth. Staff will follow up on these comments.

A second community meeting was held on October 14, 1998. Approximately 50 people attended that meeting. Comments related to the Plan Amendment included: 1) concerns that the industrial uses would be converted to high density apartments and that the streets could not accommodate the associated traffic, and 2) concerns about additional overcrowding at Burbank School. Additional comments were made regarding neighborhood preservation and specific traffic issues, and staff is following up on these concerns.

Environmental Review:

The Final Environmental Impact Report (**EIR**) was presented to the Planning Commission on September 3, 1998, and the Commission recommended certification of the EIR. Recently, the Final EIR and the proposed Mitigation Monitoring Measures have been distributed for the City Council's review. There were no major issues presented by the Final EIR.

Conclusions:

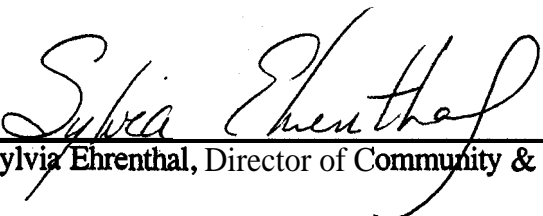
The proposed Redevelopment Plan Amendment provides a tool for the continued revitalization of the downtown, and for the implementation of policies concerning the Added Area that have been developed largely through the General Plan and the Burbank and Santa Clara Neighborhood Plans. While there appear to be general concerns that the Agency maintain the existing character of the core residential areas, preserve the historical amenities, and use its powers of eminent domain sparingly, it appears at this time that there are no significant objections towards adoption of the proposed Redevelopment Plan Amendment. It is clear that there are likely to be a number of hazardous materials issues to deal with in redeveloping commercial and industrial parcels in the Added Area. In addition, there seems to be support for assisting Burbank School to expand its site in some way.

Council and Redevelopment Agency Board Members
October 6, 1998

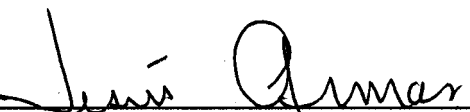
Prepared by:


Maret Bartlett, Redevelopment Director

Recommended by:


Sylvia Ehrenthal, Director of Community & Economic Development

Approved by:


Jesús Armas, City Manager

Attachment A: Map of the Amended Redevelopment Area
Resolutions
ordinance

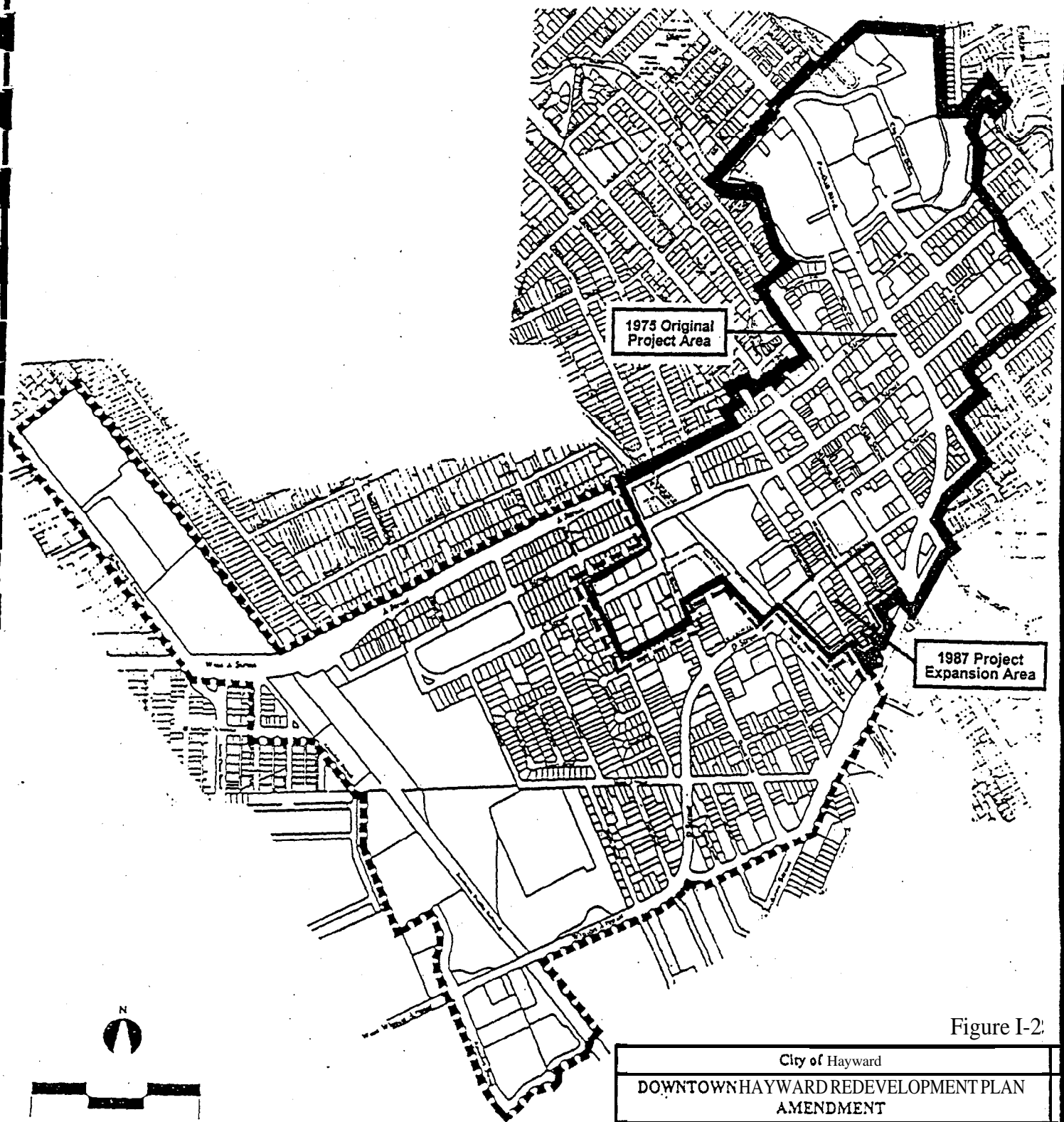




Figure I-2

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| City of Hayward | |
| DOWNTOWN HAYWARD REDEVELOPMENT PLAN AMENDMENT | |
| Boundary Map | |
|  | Existing Redevelopment Project Boundary |
|  | Added Area Boundary |
| The Redevelopment Agency of the City of Hayward | |
| Seifel Associates John B. Dykstra & Associates 19 August 1998 | |
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DRAFT

10-21-98 PM

REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD

RESOLUTION NO. RA-98-____

Introduced by Commissioner _____

RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL
IMPACT REPORT, APPROVING MITIGATION MONITORING
PLAN, AND ADOPTING FINDINGS REQUIRED BY THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE
PROPOSED AMENDMENT TO THE REDEVELOPMENT
PLAN FOR THE DOWNTOWN HAYWARD
REDEVELOPMENT PROJECT

WHEREAS, the Redevelopment Agency of the City of Hayward ("the Agency") has prepared a draft and final Environmental Impact Report ("the EIR") for the Downtown Hayward Redevelopment Plan Amendment ("Plan Amendment") pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et seq. ("CEQA"), the State CEQA Guidelines (Title 14, California Code of Regulations, section 15000 et seq.), and the City of Hayward's CEQA Guidelines; and

WHEREAS, the Agency has transmitted a copy of the Notice of Completion of the draft EIR to the State Clearinghouse for distribution to those state agencies which have discretionary approval or jurisdiction by law over natural resources affect by the Plan Amendment; and

WHEREAS, the Planning Commission held a public hearing on the draft EIR and invited the public, interested public agencies and other persons to comment on the draft EIR; and

WHEREAS, responses to comments on the draft EIR were prepared in the form of the final EIR and the Redevelopment Agency and the City Council thereafter held a joint public hearing on the EIR and the Plan Amendment pursuant to the procedures contemplated by Health & Safety Code section 33359; and

WHEREAS, the Agency has considered the draft and final EIR at a joint public hearing held with the City Council on October 28, 1998, notice of which was provided according to law.

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD DOES HEREBY RESOLVE as follows:

1. The Agency hereby certifies that the draft and final EIR prepared for the Plan Amendment, a copy of **which** is on file in the Office of the City Clerk of the City of Hayward, reflects the independent judgment of the Agency, is an adequate assessment of the Plan

Amendment's environmental consequences and has been completed in accordance with CEQA, the State CEQA Guidelines **and** the City of Hayward's local procedures; and that the Agency has reviewed and considered the information contained in the EIR prior to adoption of this resolution.

2. That the Agency hereby adopts the findings contained in the EIR and also adopts **the** further ***Findings of Fact and Statement of Overriding Considerations*** contained in the attached Exhibit A as its findings regarding the potential environmental effects of the proposed amendment to the Redevelopment Plan.

3. That the Agency also approves and adopts the Mitigation Monitoring Plan attached as Exhibit B to this resolution, and directs the Executive Director to implement such Mitigation Monitoring Plan in connection with the implementation of the Redevelopment Plan, as amended by the Plan Amendment.

4. Upon the City Council's approval and 'adoption of the Plan Amendment, the Agency Secretary is hereby directed to file a Notice of Determination with the County Clerk of Alameda County pursuant to the provisions of Public Resources Code section 21152 and Section 15094 of the State CEQA Guidelines, together with two copies of the Certificate of Fee Exemption as required by Title 14, California Code of Regulations, section 753.5(c).

HAYWARD, CALIFORNIA _____, 1998

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ATTEST:

Secretary of the Redevelopment Agency of the City
of Hayward

APPROVED AS TO FORM:

General Counsel

EXHIBIT A

**Fifth Amendment to the
Redevelopment Plan for the
Downtown Hayward Redevelopment Project**

**Findings of Fact
and
Statement of Overriding Considerations**

Pursuant to Public Resources Code Section 21081 and
California Code of Regulations, Title 14, Sections 15091 and 15093

Draft and Final Environmental Impact Reports
(State Clearinghouse No. 98042024)

Hayward Redevelopment Agency
777 B Street
Hayward, California 94541

Section 1. Introduction

The California Environmental Quality Act (Pub. Resources Code, § 21000 et seq., “CEQA”) provides in Section 21081 that:

“[N]o public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

“(a) The public agency makes one or more of the following findings with respect to each significant effect:

“(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

“(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

“(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

“(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.”

As defined in CEQA, “‘significant effect on the environment’ means a substantial, or potentially substantial, adverse change in the environment.” (Pub. Resources Code, § 21068.)

By this document, the Hayward Redevelopment Agency (“Agency”) makes the findings required by subsections (a) and (b) of Public Resources Code section 21081 with regard to the Fifth Amendment (the “Fifth Amendment”) to the Redevelopment Plan for the Downtown Hayward Redevelopment Project (the “Project”).

Exhibit A

Section 2. Description of the Project Proposed for Approval

For purposes of CEQA, the Project addressed in the EIR is the adoption and phased implementation of the Fifth Amendment. As more particularly identified in the Final EIR, the Project Area, as proposed to be amended, covers approximately 610 acres of land within the City of Hayward, including the existing Project Area and the area proposed to be added, which added area is generally bounded by A Street, the Union Pacific Railroad tracks, the Hayward city limits (immediately south of Mero Street), Hathaway Avenue, Yolo Street, El Dorado Avenue, Amador Street, Elmhurst Street, Winton Avenue and State Route 92. Under the Redevelopment Plan, as proposed to be amended, the Project would be developed in accordance with the land uses designated and permitted by the General Plan for the City of Hayward. The EIR describes the environmental impacts that may occur as a result of the adoption and phased implementation of the Fifth Amendment and identifies, where applicable, measures that would mitigate significant effects on the environment to a level of insignificance. Findings regarding the significant effects of the Project are set forth below.

Section 3. Findings on Potentially Significant Impacts of the Proposed Project Identified in the EIR

This section identifies the findings on significant impacts on the Project, as identified in the EIR by issue area.

Land Use and Visual Factors

Impact:

Adverse Land Use Compatibility Impacts--Proposed Redevelopment Expansion Area. Some Project-facilitated land use changes within the proposed Project expansion area could result in adverse land use impacts. Given the proximity of some existing and planned residential uses to existing and planned commercial and industrial areas in the proposed expansion area, Project-assisted intensification could introduce significant new land use conflicts among residential, commercial, and industrial development (e.g., traffic, visual, light, noise, parking, odor and other conflicts).

Mitigation Measure:

During City and Agency review and prior to approval of individual projects within the redevelopment expansion area, emphasize the need to avoid significant land use conflicts between non-residential and residential development. During these review procedures and the formulation of conditions of approval, require assurances

of: (1) adequate land use separation, scale transition, and noise buffering; (2) creative siting of buildings to avoid conflicts; (3) adequate protections against light, glare, and shadow impacts; (4) adequate odor control; (5) adequate offstreet parking provisions; and (6) other common measures warranted to avoid such land use conflicts.

Finding:

The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Impact:

Visual Impacts on Specific Streetscapes Within the Proposed Expansion Area. The Cannery industrial area and Hathaway Avenue industrial area are identified industrial development opportunity areas that are largely visible from adjoining major through-routes (e.g., Winton Avenue, Meek Avenue, A Street, Hathaway Avenue) and from adjoining residential neighborhoods. The visual quality of future development in these specific opportunity areas will directly affect the quality of these important city streetscapes. Without adequate design control, the Project could facilitate new industrial or mixed-use development that could adversely affect the visual quality of these highly visible industrial and mixed-use areas, of surrounding neighborhoods, and of the central area as a whole.

Mitigation Measure:

Through the City's development permit and design review process, subject future development in the Cannery industrial area and Hathaway Avenue industrial area to particularly focused and detailed design review. Implement specific visual impact mitigation guidelines set forth in the City's adopted General Plan and Design Guidelines to protect and enhance the visual quality of these areas.

Finding:

The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Impact:

Potential Impacts on the Visual Character and Image of the Burbank Neighborhood (Within the Proposed

Expansion Area). Project-facilitated development, such as higher-density single- or multi-family housing, in the portion of the Burbank neighborhood located within the proposed redevelopment expansion area has the potential to alter the neighborhood's older, predominantly single-family residential character.

Mitigation Measure: In the reviewing and processing of development projects within the Burbank neighborhood portion of the expanded Project Area, place special emphasis on implementation of design policies and related strategies contained in the Burbank Neighborhood Plan to protect the visual character and integrity of the neighborhood.

Finding: The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Transportation and Parking

Impact: **Potential Conflicts Between Trucks and Other Vehicles.** The Project may facilitate increased redevelopment of the Cannery industrial area bounded by A Street, Burbank Street, Filbert Street, Meek Avenue, Myrtle Street, Winton Avenue, and Amador Street, creating the corresponding potential for increased truck movements and associated greater conflict between industrial-related truck traffic and other vehicle traffic.

Mitigation Measure: In reviewing future development proposals for the Cannery industrial area, the City shall (a) continue to restrict use of the north (C Street) access gate to automobiles and small trucks only (except when the Cannery Court driveway is temporarily blocked); and (b) continue to prohibit all truck traffic on Myrtle Street, Meek Avenue, and Filbert Street.

Finding: The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Public Facilities and Services

Impact: **Police Service Demand Impacts in Existing Redevelopment Area and Proposed Expansion Area.** Development within the existing redevelopment area and the proposed expansion area has the potential to increase demand for police service. The City of Hayward Police Department may require additional staffing or equipment to meet response time goals.

Mitigation Measure: Monitor the rate of additional police calls per year associated with the Project Area and the adequacy of response times. As warranted by the monitoring data, provide additional officers and facilities (funded through the City's general fund), and establish a new police beat if necessary. Require Police Department review and approval of final project plans within the existing redevelopment area and proposed redevelopment expansion area.

Finding: The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Impact: **Interference with Emergency Response/Evacuations.** Roadway modifications that may be proposed as part of the Project may have the potential to interfere with emergency response/evacuation (e.g., in case of earthquake, or release/spillage of hazardous materials or wastes).

Mitigation Measure: Require Police and Fire Department review of construction plans for roadway modifications, and establish temporary alternative emergency routes as necessary for the duration of the construction project.

Finding: The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Impact: **Fire Protection and Emergency Medical Service Demand Impacts in Existing Redevelopment Area and Proposed**

Expansion Area. Development within the existing redevelopment area and the proposed expansion area has the potential to increase demand for fire protection and emergency medical services. Depending on the type of use, density, and occupancy of individual development projects, the City of Hayward Fire Department may require additional staffing or equipment to meet response time goals.

Mitigation Measure: Monitor the rate of additional fire protection service calls per year associated with the Project Area and the adequacy of response times. As warranted by the monitoring data, provide additional firefighters and equipment (funded through the City's general fund). Require Fire Department review and approval of final project plans within the existing redevelopment area and proposed redevelopment expansion area.

Finding: The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Impact: **Increase in Demand for School Service.** Existing Hayward Unified School District schools may not have sufficient capacity to accommodate the additional school population generated by Project-facilitated residential development. It is anticipated that Burbank Elementary School, which is already operating over capacity on a 6.3-acre site with little room for classroom expansion, would receive the greatest number of new students from Project-facilitated development.

Mitigation Measure: Make the statutory Agency pass-through payment of tax increment revenue to the Hayward Unified School District pursuant to Health and Safety Code Section 33607.5. In addition, require developers in the existing and expanded redevelopment area to pay state-authorized school impact fees. Alternatively, applicants may voluntarily enter into agreements with the HUSD that provide for school construction and/or payment of impact fees negotiated with the HUSD. These measures would enable the HUSD to fund school improvements (e.g., land acquisition, permanent classroom additions,

additional restroom facilities, multi-purpose room additions, additional relocatable classrooms) necessary to accommodate students from Project-facilitated development.

Finding:

The Agency finds that the mitigation measure related to pass-through payments identified above is feasible and will be required in, or incorporated into, the Project. The Agency further finds that the mitigation measure related to applicants' entering into agreements with the HUD is within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. These mitigation measures will reduce the impact to a less than significant level.

Impact:

Increase in Demand for Park and Recreation Services.

Project-facilitated development in the existing redevelopment area and proposed redevelopment expansion area would increase the demand for park and recreation services. Park and recreation facilities in the Project Area are already operating at capacity.

Mitigation Measure:

Project sponsors must comply with applicable parkland dedication and/or in-lieu fee requirements. Develop phasing and monitoring plans for future park improvements in the Project Area (e.g., "strip park" in front of old City Hall, tot lot in front of Hayward Library, "pocket park" at northwest corner of Mission Boulevard/ B Street intersection) to ensure that adequate parks are available to serve the demands of new development.

Finding:

The Agency finds that the mitigation measures identified above are feasible and will be required in, or incorporated into, the Project. The Agency further finds that the mitigation measure related to development of phasing and monitoring plans for future park improvements is within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. These mitigation measures will reduce the impacts to less than significant levels.

Vegetation and Wildlife

Impact: **Potential Wetlands Loss.** Project-facilitated development in the existing redevelopment area and proposed redevelopment expansion area could eliminate limited, isolated wetland areas.

Mitigation Measure: The City and Agency shall implement the following: (a) subject each Project-facilitated development to its own environmental review, in accordance with CEQA; and (b) require mitigation measures as identified by the U. S. Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board under state and federal regulations as conditions of approval for each Project-facilitated development.

Finding: The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Geology, Soils and Seismicity

Impact: **Hazards Due to Expansive Soils and Settlement.** New development in the existing redevelopment area and proposed redevelopment expansion area may be subject to foundation and infrastructure (e.g., utility pipe) damage from expansive soils and settlement of soils.

Mitigation Measure: The City and Agency shall implement the following: require sufficient soils analysis conducted by a qualified engineer or geologist to ensure appropriate foundation and building design for all future Project-facilitated building construction.

Finding: The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Impact: **Earthquake Hazards.** Development within the existing redevelopment area and proposed redevelopment expansion area would be subject to severe seismic shaking

and ground rupture. Ground shaking and rupture could damage or destroy improperly designed or constructed buildings and result in hazards of injury or death to building occupants. In particular, significant damage could occur to masonry facades, “soft-story” structures and large windows in the area, as they could throughout the region.

Mitigation Measure:

All new development within the area would be designed and constructed in accordance with the Uniform Building Code to avoid or minimize potential damage from seismic shaking on the site. In addition, the Fifth Amendment would include funding for building rehabilitation, facade improvements, and demolition of dilapidated industrial buildings, which would reduce potential for loss of life, injuries and property damage during an earthquake. The structural design of new Project-facilitated building construction proposed within the Project Area between now and the year 2010 would be expected to incorporate all required conventional engineering measures considered necessary to reduce related seismic shaking impact potentials, including the risk of severe damage, injury, or loss of life in an earthquake.

Finding:

The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Storm Drainage and Water Quality

Impact:

Erosion, Sedimentation and Urban Runoff Pollutants. Soil disturbance associated with grading during construction of Project-facilitated public and private projects, and urban pollutants generated from associated new impervious surfaces, increased traffic, and increased herbicide, pesticide and fertilizer use would degrade the quality of receiving waters.

Mitigation Measure:

The City and Agency shall implement the following: Where indicated in the Initial Study exercise required for all individual public and private “projects” under CEQA, require applicants for such future Project-facilitated

Exhibit A

development to comply with all City and Alameda County Clean Water Program water quality provisions and (a) file a Notice of Intent to comply with the Statewide General Permit for Construction Activities with the RWQCB; (b) prepare and implement a Stormwater Pollution Prevention Plan (including an erosion control plan); (c) implement a monitoring, inspection, and documentation program to assure the effectiveness of control measures; (d) obtain or comply with existing General Stormwater Discharge Permit(s) for Industrial Activities, where applicable; and (e) require implementation of permanent water quality protection measures to be included in specific projects.

Finding:

The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Air Quality

Impact:

Air Quality Impacts from Construction. Construction activities associated with Project-facilitated development could generate exhaust emissions and fugitive particulate matter emissions that would affect local and regional air quality.

Mitigation Measure:

For all Project-facilitated construction activity, require implementation of dust control measures by construction contractors during all construction phases.

Finding:

The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Impact:

Inconsistencies with the Regional Clean Air Plan. The proposed Project does not meet all BAAQMD criteria for consistency with the Clean Air Plan, in that the proposed Fifth Amendment does not explicitly support all appropriate regional Transportation Control Measures.

Mitigation Measure:

A voluntary Project-wide Transportation System Management (TSM) program should be developed for new

employers within the expanded redevelopment area. The City and/or Agency should encourage mixed-use developments and provision of physical improvements (e.g., sidewalks, bus shelters, bicycle parking) that would act as incentives for pedestrian, bicycle, and transit modes of travel. These measures would eliminate inconsistencies with the Transportation Control Measures contained in the Clean Air Plan.

Finding:

The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Noise

Impact:

Exposure of Future Housing to Environmental Noise. Residents of Project-facilitated housing development may be exposed to traffic noise, railroad noise, and BART noise considered “conditionally acceptable” or “normally acceptable” under existing City standards.

Mitigation Measure:

Require all Project-facilitated residential projects proposed for locations adjacent to the major roadways, railroad corridors, or the BART corridor to prepare an acoustical assessment by a qualified acoustical consultant, and require implementation of recommended measures necessary to comply with City of Hayward and state noise standards.

Finding:

The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Impact:

Exposure of Existing Housing to Increased Environmental Noise. More intensive redevelopment of industrial sites adjacent to existing single-family residential areas could create the potential for increased truck traffic noise and other industrial noise.

Mitigation Measure:

The proposed Fifth Amendment includes provisions for (a) buffering improvements for residential areas to alleviate adverse impacts from incompatible uses; and

(b) creation of suitable sites for efficient development. In addition, require all Project-facilitated industrial development projects adjacent to residential areas to prepare an acoustical assessment by a qualified acoustical consultant, and require implementation of recommended measures to avoid substantial increase in noise in adjoining areas and to comply with City of Hayward noise standards.

Finding:

The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Impact:

Construction Noise Exposure. Average noise levels during heavy periods of Project-facilitated demolition and construction and maximum noise levels for individual pieces of operating equipment and individuals projects in the Project Area could intermittently be high enough to constitute potentially significant temporary impacts upon the residential areas in the study area.

Mitigation Measure:

To reduce Project-related construction period noise impacts, the City or Agency, as appropriate, shall impose conditions on all proposed construction activities in the Project Area, to be implemented by incorporation into individual construction contracts, with verification submitted to the City or Agency, as appropriate.

Finding:

The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Impact:

Disturbances from Vibration. Ground-borne vibration from trains or other sources has the potential to disturb people living or working in project-facilitated developments. If the vibration would be perceptible to people indoors, then ground-borne vibration would represent a potentially significant impact.

Mitigation Measure:

For any development proposed within 100 feet of Union Pacific Railroad or BART tracks, require the applicant's acoustical engineer to make sample ground vibration

measurements to determine what design measures are necessary to meet Transit, Noise, and Vibration Impact Assessment (guidance manual; Federal Transit Administration, April 1995) ground vibration criteria.

Finding:

The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Cultural Resources

Impact:

Disturbance of Archaeological Resources. Development encouraged and improvements funded by the Project could disturb sensitive archaeological resources in the existing redevelopment area and the proposed redevelopment expansion area.

Mitigation Measure:

Evaluate all future Project-assisted public improvements projects and private development projects during the City's normal project-specific environmental review (Initial Study) process for the presence of, and potential impacts on, archaeological resources. If disturbance of a Project Area archaeological resource cannot be avoided, a mitigation program, including measures set forth in Appendix K of the CEQA Guidelines, should be implemented.

Finding:

The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Impact:

Destruction/Degradation of Historic Resources. Project-facilitated development has the potential to destroy or substantially degrade historic resources in the Project Area, if these resources are not identified or recognized and their maintenance, rehabilitation or appropriate reuse are not promoted.

Mitigation Measure:

Evaluate all future Project-assisted public improvement projects and private development projects during the City's normal project-specific environmental review (Initial Study) process for the presence of, and potential

impacts on, historic resources. If disturbance of a Project Area historic resource cannot be avoided, a mitigation program should be implemented.

Finding:

The Agency finds that the mitigation measure identified above is feasible and will be required in, or incorporated into, the Project. This mitigation measure will reduce the impact to a less than significant level.

Section 4. Findings Regarding Alternatives to the Project

CEQA requires that an EIR describe a range of reasonable alternatives to the Project or to the location of the Project which could feasibly attain the basic objectives of the Project and to evaluate the comparative merits of the alternatives. Section 15126(d)(1) of the State CEQA Guidelines states that the “discussion of alternatives shall focus on alternatives to the project or to its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.”

As more particularly set forth in the Final EIR, the Project was compared to the following alternatives: (1) a “no project” alternative, in which no expansion area would be established and, therefore, no redevelopment activities would be undertaken in the area proposed to be added and no increase in time or dollar limitations for the existing Project Area would occur; (2) a modified project area expansion boundary; (3) a modified list of added area redevelopment actions and/or modified allocation of redevelopment funds to the various actions; (4) a “mitigated” redevelopment project amendment alternative incorporating various measures identified in the Final EIR to reduce project impacts; and (5) the possibility of alternative project sites.

The analysis in the Final EIR concludes that the Project is the environmentally superior alternative since only the Project achieves the basic goal of eliminating and removing blight in the Project Area. The following discussion briefly summarizes the listed alternatives.

A. No Project Alternative

Under this alternative, the Fifth Amendment would not be adopted. While the original Redevelopment Plan would remain in effect in the existing Project Area, no actions would be taken by the Agency to remove blighting conditions and stimulate additional private investment in the proposed added area or to extend or increase Agency activities in the existing area. There would be limited Agency funding for housing assistance, infrastructure

Exhibit A

and facility improvements, and property redevelopment in the existing area and none in the added area. The Agency would not have the power of eminent domain in the added area for the acquisition and assembly of property. As a result, it is assumed under this alternative that continued Agency-facilitated improvements would be limited in the existing area, that there would be little improvement, and perhaps some decline, in the added area and that existing blighting conditions would remain or worsen. The rate of residential, commercial and industrial development in the existing area and proposed added area would be substantially lower than it would be with the proposed project.

B. Modified Expansion Area Boundary

Two boundary modification variations are considered under this alternative: a reduced added area boundary and an enlarged added area boundary. Although certain portions of the added area, such as the Hathaway Avenue industrial area, have generally fewer blighting conditions than other portions of the added area, effectiveness of the redevelopment efforts in the remainder of the added area could occur as a result of such a reduction. Selected activities would have to be reduced or eliminated to compensate for the reduced tax increment, fewer affordable housing units would be assisted, and fewer economic development and public facilities improvements would be financed. However, a corresponding decrease in the traffic, noise, public services, air quality and other impacts could be anticipated.

Regarding expansion of the proposed added area, the boundaries selected under the Fifth Amendment were carefully chosen based on identification of areas within which blighted conditions occur and which meet the criteria under the Community Redevelopment Law for urbanization. Because such a combination of blight and general urbanization conditions has not been identified outside the proposed added area at this time, adding more acreage to the proposed added area or identifying additional added areas would not be a viable alternative under the law.

C. Modified Redevelopment Activities

This alternative would include the same added area boundaries proposed under the Fifth Amendment but with a modified allocation of project-generated revenues to redevelopment activities within the expanded Project Area (the existing area plus the proposed added area). While this modified allocation would increase the percentage of total project-related revenue for affordable housing from approximately 20 percent to approximately 35 percent, public infrastructure, site assembly and other components of the redevelopment program would be reduced from 60 percent to 40 percent.

This scenario could result in a reduced overall level of physical rehabilitation in the expanded project area and an associated reduction in facilitation of blight elimination. Although decreases could be expected in the areas of traffic impacts, utilities and public services, vegetation and wildlife impacts, seismic and soil-related hazards, storm drainage capacity and water quality impacts, air quality impacts, noise and cultural resources impacts, there could be an attendant decrease in local employment development, project-facilitated residential, commercial and industrial growth, building rehabilitation, storm drainage improvements, and the likelihood of assistance available for preservation and maintenance of historic resources.

D. Mitigated Project Alternative

This alternative would be the same as the proposed project, except that the mitigation measures recommended in the EIR relating to land use, transportation, public services, vegetation and wildlife, geotechnical factors, drainage and water quality, air quality, noise and cultural resources would be incorporated into the proposed Fifth Amendment program. This alternative would result in the least adverse combination of environmental impacts and would be the environmentally superior alternative.

E. Alternative Project Area Location

The potential for the added area to be located on other sites was examined; however, the boundaries of the existing Project Area and the proposed added area were precisely established based on the maximum area within which identified blighting conditions currently occur, in combination with other urbanization parameters set forth in the Community Redevelopment Law. Agency establishment of an alternate site elsewhere in the community would fail to attain the basic objectives of the proposed project and, therefore, this alternative was not considered to be feasible.

MITIGATION MONITORING CHECKLIST--DOWNTOWN HAYWARD REDEVELOPMENT PLAN AMENDMENT

The environmental mitigation measures listed in column two below have been incorporated into the conditions of approval for the Downtown Hayward Redevelopment Plan Amendment in order to mitigate identified environmental impacts. A completed and signed chart will indicate that each mitigation requirement has been complied with, and that City and State monitoring requirements have been fulfilled with respect to Public Resources Code Section 21081.6.

| IDENTIFIED IMPACT | RELATED MITIGATION MEASURE (CONDITION OF APPROVAL) | MONITORING | | | | VERIFICATION | |
|--|--|------------------|-------------------------------|------------------------|--|--------------|------|
| | | Impl. Entity' | Type of Monitoring Action' | Timing Requirements | Monitoring and Verification Entity' | Signature | Date |
| A. LAND USE AND VISUAL FACTORS | | | | | | | |
| Impact LU-1: Adverse Land Use Compatibility Impacts-Proposed Redevelopment Expansion Area. Some project-facilitated land use changes within the proposed project expansion area could result in adverse land use impacts. Given the proximity of some existing and planned residential uses to existing and planned commercial and industrial areas in the proposed expansion area, project-assisted intensification could introduce significant new land use conflicts among residential, commercial, and industrial development (e.g., traffic, visual, light, noise, parking, odor and other conflicts). | Mitigation LU-1: During City and Agency review and prior to approval of individual projects within the redevelopment expansion area, emphasize the need to avoid significant land use conflicts between non-residential and residential development. During these review procedures and the formulation of conditions of approval, require assurances of: (1) adequate land use separation, scale transition, and noise buffering; (2) creative siting of buildings to avoid conflicts; (3) adequate protections against light, glare, and shadow impacts; (4) adequate odor control; (5) adequate offstreet parking provisions; and (6) other common measures warranted to avoid such land use conflicts. | COH | SSR | STR | HCEDD | | |
| Impact LU-2: Visual Impacts on Specific Streetscapes Within the Proposed Expansion Area. The Cannery industrial area and Hathaway Avenue industrial area are identified industrial development opportunity areas that are largely visible from adjoining major through-routes (e.g., Winton Avenue, Meek Avenue, A Street, Hathaway Avenue) and from adjoining residential neighborhoods. The visual quality of future development in these specific opportunity areas will directly affect the quality of these important city streetscapes. Without adequate design control, the project could facilitate new industrial or mixed-use development that could | Mitigation LU-2: Through the City's development permit and design review process, subject future development in the Cannery industrial area and Hathaway Avenue industrial area to particularly focused and detailed design review. Implement specific visual impact mitigation guidelines set forth in the City's adopted General Plan and Design Guidelines to protect and enhance the visual quality of these areas. | COH | SSR | STR | HCEDD | | |

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| IDENTIFIED IMPACT | RELATED MITIGATION MEASURE (CONDITION OF APPROVAL) | MONITORING | | | | VERIFICATION | |
|--|---|------------------|-------------------------------|------------------------|--|--------------|------|
| | | Impl. Entity' | Type of Monitoring Action* | Timing Requirements | Monitoring and Verification Entity' | Signature | Date |
| adversely affect the visual quality of these highly visible industrial and mixed-use areas. of surrounding neighborhoods. and of the central area as a whole. | | | | | | | |
| Impact LU-3: Potential Impacts on the Visual Character and Image of the Burbank Neighborhood (Within the Proposed Expansion Area). Project-facilitated development, such as higher-density single- or multi-family housing. in the portion of the Burbank neighborhood located within the proposed redevelopment expansion area has the potential to alter the neighborhood's older, predominantly single-family residential character. | Mitigation LU-3: In the review and processing of development projects within the Burbank neighborhood portion of the expanded project area, place special emphasis on implementation of design policies and related strategies contained in the <u>Burbank Neighborhood Plan</u> to protect the visual character and integrity of the neighborhood. | COH | SSR | STR | HCEDD | | |
| 13. TRANSPORTATION AND PARKING | | | | | | | |
| Buildout Impacts on Intersection Operations. The traffic modelling results indicate that traffic generated by project-facilitated development in the expanded project area would not be expected to degrade level of service at any of the nine study intersections to below acceptable conditions (LOS D or better) in the AM peak period, With the exception of the intersection of Foothill Boulevard/A Street, all study intersections are also expected to function at acceptable conditions in the PM peak period. However, the Foothill Boulevard/A Street intersection would continue to operate at LOS F during the PM peak period. The operation of the intersection would be enhanced by proposed geometric improvements described in subsection 1 .g(2) above. The project may provide funding for these planned improvements; therefore, the | Mitigation for Impacts on Buildout Intersection Operations. No significant impacts have been identified; no mitigation is required. | NA | NA | NA | NA | | |

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|--|---|------------------|-------------------------------|-------------------------|--|--------------|------|
| | | Impl. Entity' | Type of Monitoring Action' | Timing Requirements' | Monitoring and Verification Entity' | Signature | Date |
| project may have a beneficial impact on the intersection of Foothill Boulevard/A Street. | | | | | | | |
| Impacts on Traffic Signal Needs at Unsignalized Intersections. Traffic volumes from project-facilitated development would not be sufficient to trigger the need for new traffic signals at the three currently unsignalized intersections in the study area (connector to Meekland Avenue/A Street, Meekland Avenue connector/A Street, Grand Street/Meek Avenue) at buildout. | Mitigation for Impacts on Traffic Signal Needs at Unsignalized Intersections. No significant impacts have been identified; no mitigation is required. | NA | NA | NA | NA | | |
| Impact T-I: Potential Conflicts Between Trucks and Other Vehicles. The project may facilitate increased redevelopment of the Cannery industrial area bounded by A Street, Burbank Street, Filbert Street, Meek Avenue, Myrtle Street, Winton Avenue, and Amador Street, creating the corresponding potential for increased truck movements and associated greater conflict between industrial-related truck traffic and other vehicle traffic. | Mitigation T-I: In reviewing future development proposals for the Cannery industrial area, the City shall (a) continue to restrict use of the north (C Street) access gate to automobiles and small trucks only (except when the Cannery Court driveway is temporarily blocked); and (b) continue to prohibit all truck traffic on Myrtle Street, Meek Avenue, and Filbert Street. | COH | SSR | STR | HCEDD; HPWD | | |
| <i>C. PUBLIC SERVICES</i> | | | | | | | |
| Impact PS-1: Police Service Demand Impacts in Existing Redevelopment Area and Proposed Expansion Area. Development within the existing redevelopment area and the proposed expansion area has the potential to increase demand for police service. The City of Hayward Police Department may require additional staffing or equipment to meet response time goals. | Mitigation PS-1: Monitor the rate of additional police calls per year associated with the project area and the adequacy of response times. As warranted by the monitoring data, provide additional officers and facilities (funded through the City's general fund), and establish a new police beat if necessary. Require Police Department review and approval of final project plans within the existing redevelopment area and proposed redevelopment expansion area. | COH | SMS; SSR | STR | HPD | | |

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|--|---|---------------|----------------------------|----------------------|-------------------------------------|--------------|------|
| | | Impl. Entity' | Type of Monitoring Action' | Timing Requirements' | Monitoring end Verification Entity' | Signature | Date |
| Impact PS-2: Interference with Emergency Response/Evacuations. Roadway modifications that may be proposed as part of the project may have the potential to interfere with emergency response/evacuation (e.g., in case of earthquake, or release/spillage of hazardous materials or wastes). | Mitigation PS-2: Require Police and Fire Department review of construction plans for roadway modifications, and establish temporary alternative emergency routes as necessary for the duration of the construction project. | COH | PC | PBP; DPC | HPD; HFD | | |
| Impact PS-3: Fire Protection and Emergency Medical Service Demand Impacts in Existing Redevelopment Area and Proposed Expansion Area. Development within the existing redevelopment area and the proposed expansion area has the potential to increase demand for fire protection and emergency medical services. Depending on the type of use, density, and occupancy of individual development projects, the City of Hayward Fire Department may require additional staffing or equipment to meet response time goals. | Mitigation PS-3: Monitor the rate of additional fire protection service calls per year associated with the project area and the adequacy of response times. As warranted by the monitoring data, provide additional firefighters and equipment (funded through the City's general fund). Require Fire Department review and approval of final project plans within the existing redevelopment area and proposed redevelopment expansion area. | COH | SMS; SSR | STR | HFD | | |
| Impact PF-4: Increase in Demand for School Service. Existing HUSD schools may not have sufficient capacity to accommodate the additional school population generated by project-facilitated residential development. It is anticipated that Burbank Elementary School, which is already operating over capacity on a 6.3-acre site with little room for classroom expansion, would receive the greatest number of new students from project-facilitated development. | Mitigation PF-4: Make the statutory Agency pass-through payment of tax increment revenue to the Hayward Unified School District pursuant to Health and Safety Code section 33607.5. In addition, require developers in the existing and expanded redevelopment area to pay state-authorized school impact fees. Alternatively, applicants may voluntarily enter into agreements with the HUSD that provide for school construction and/or payment of impact fees negotiated with the HUSD. These measures would enable the HUSD to fund school improvements (e.g., land acquisition, permanent classroom additions, additional restroom facilities, multi-purpose room additions, additional relocatable classrooms) necessary to | COH | SSR | PBP | HRA; HCEDD | | |

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|---|--|---------------------------|--|---------------------|---|--------------|------|
| | | Impl. Entity ¹ | Type of Monitoring Action ² | Timing Requirements | Monitoring end Verification Entity ³ | Signature | Date |
| | accommodate students from project-facilitated development. | | | | | | |
| Impact PF-5: Increase in Demand for Park and Recreation Services. Project-facilitated development in the existing redevelopment area and proposed redevelopment expansion area would increase the demand for park and recreation services. Park and recreation facilities in the project area are already operating at capacity | Mitigation PF-5: Project sponsors must comply with applicable parkland dedication and/or in-lieu fee requirements. Develop phasing and monitoring plans for future park improvements in the project area (e.g.. "strip park" in front of old City Hall, tot lot in front of Hayward Library, "pocket park" at northwest corner of Mission Boulevard/B Street intersection) to ensure that adequate parks are available to serve the demands of new development. | COH | SSR | PBP | HCEDD | | |
| <i>D. VEGETATION AND WILDLIFE</i> | | | | | | | |
| Impact VW-I: Potential Wetland Loss. Project-facilitated development in the existing redevelopment area and proposed redevelopment expansion area could eliminate limited, isolated wetland areas. | Mitigation VW-I : The City and Redevelopment Agency shall implement the following: (a) subject each project-facilitated development to its own environmental review, in accordance with CEQA; and (b) require mitigation measures as identified by the US. Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board under state and federal regulations as conditions of approval for each project-facilitated development. | COH | SSR | STR | HRA; HCEDD | | |
| <i>E. GEOLOGY, SOILS, AND SEISMICITY</i> | | | | | | | |
| Impact SG-1: Hazards Due to Expansive Soils and Settlement. New development in the existing redevelopment area and proposed redevelopment expansion area may be subject | Mitigation SG-1: The City and Redevelopment Agency shall implement the following: require sufficient soils analysis conducted by a qualified engineer or geologist to ensure appropriate | COH | SSR | PGP | HRA; HCEDD | | |

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| IDENTIFIED IMPACT | RELATED MITIGATION MEASURE (CONDITION OF APPROVAL) | MONITORING | | | Monitoring and Verification Entity ¹ | VERIFICATION | |
|---|---|------------------------------|---|-------------------------------------|--|--------------|------|
| | | Impl. Entity ¹ | Type of Monitoring Action ² | Timing Requirements ³ | | Signature | Date |
| to foundation and infrastructure (e.g., utility pipe) damage from expansive soils and settlement of soils. | foundation and building design for all future project-facilitated building construction. | | | | | | |
| Impact SG-2: Earthquake Hazards. Development within the existing redevelopment area and proposed redevelopment expansion area would be subject to severe seismic shaking and ground rupture. Ground shaking and rupture could damage or destroy improperly designed or constructed buildings and result in hazards of injury or death to building occupants. In particular, significant damage could occur to masonry facades, “soft-story” structures, and large windows in the area, as they could throughout the region. | Mitigation SG-2: All new development within the area would be designed and constructed in accordance with the Uniform Building Code to avoid or minimize potential damage from seismic shaking on the site. In addition, the redevelopment plan amendment would include funding for building rehabilitation, facade improvements, and demolition of dilapidated industrial buildings, which would reduce potential for loss of life, injuries, and property damage during an earthquake. The structural design of new project-facilitated building construction proposed within the project area between now and the year 2010 would be expected to incorporate all required conventional engineering measures considered necessary to reduce related seismic shaking impact potentials, including the risk of severe damage, injury, or loss of life in an earthquake. | COH | PC; CPI | BP; DPC | HRA; HPWD | | |
| F. HAZARDOUS MATERIALS AND WASTE | | | | | | | |
| Project-Related Hazardous Materials and Waste Impacts. The proposed project may provide redevelopment funds for hazardous waste remediation in the redevelopment area, representing a beneficial impact. Other potential project impacts (e.g., potential interference with site clean-up activities, exposure to existing hazardous materials contamination, potential asbestos and PCB exposure, and existing and future hazardous materials use in the project | None necessary, beyond compliance with standard City development review procedures and established regulatory agency requirements--see EIR text for details. | NA | NA | NA | IVA | | |

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|---|--|------------------------------|---|-------------------------------------|--|--------------|------|
| | | Impl. Entity ¹ | Type of Monitoring Action ² | Timing Requirements ³ | Monitoring and Verification Entity ⁴ | Signature | Date |
| area) would be mitigated through standard City development review procedures and compliance with established regulatory agency requirements for storage, handling, and transport of hazardous materials and waste. | | | | | | | |
| G. STORM DRAINAGE AND WATER QUALITY | | | | | | | |
| Impact D-1: Erosion, Sedimentation, and Urban Runoff Pollutants. Soil disturbance associated with grading during construction of project-facilitated public and private projects, and urban pollutants generated from associated new impervious surfaces, increased traffic, and increased herbicide, pesticide, and fertilizer use would degrade the quality of receiving waters. | Mitigation D-1: The City and Redevelopment Agency shall implement the following: Where indicated in the Initial Study exercise required for all individual public and private "projects" under CEQA, require applicants for such future project-facilitated development to comply with all City and Alameda County Clean Water Program water quality provisions and (a) file a <i>Notice of Intent</i> to comply with the Statewide General Permit for Construction Activities with the RWQCB; (b) prepare and implement a Stormwater Pollution Prevention Plan (including an erosion control plan); (c) implement a monitoring, inspection, and documentation program to assure the effectiveness of control measures; (d) obtain or comply with existing General Stormwater Discharge Permit(s) for Industrial Activities, where applicable; and (e) require implementation of permanent water quality protection measures to be included in specific projects. | COH | SSR | STR | HRA; HCEDD | | |
| H. AIR QUALITY | | | | | | | |
| Impact AQ-1: Air Quality Impacts from Construction. Construction activities associated with project-facilitated development could generate exhaust emissions and fugitive | Mitigation AQ-1: For all project-facilitated construction activity, require implementation of dust control measures by construction contractors during all construction phases. | COH | SSR; CPI | PBP; DPC | HCEDD | | |

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² CPI = Construction Period Inspection; OTC = One-time Confirmation Action; PC = Plan Check; POC = Post Occupancy Inspection; SMS = Specialized Monitoring Study; SSR = Subsequent Standard Review

³ DPC = During Project Construction; PBP = Prior to Issuance of Building Permit; PFM = Prior to Approval of Final Map; PGP = Prior to Issuance of Grading Permit; PPO = Prior to Project Occupancy; PTM = Prior to Tentative Map; STR = Specialized Timing Requirement

⁴ HRA = Hayward Redevelopment Agency; HCEDD = City of Hayward Community and Economic Development Department; HPD = City of Hayward Police Department; HFD = City of Hayward Fire Department; HPWD = City of Hayward Public Works Department

| IDENTIFIED IMPACT | RELATED MITIGATION MEASURE (CONDITION OF APPROVAL) | MONITORING | | | | VERIFICATION | |
|---|--|------------------|-------------------------------|------------------------|--|--------------|------|
| | | Impl. Entity' | Type of Monitoring Action' | Timing Requirements | Monitoring end Verification Entity' | Signature | Date |
| particulate matter emissions that would affect local and regional air quality. | | | | | | | |
| Impact AO-2: Inconsistencies with the Regional Clean Air Plan. The proposed project does not meet all BAAOMD criteria for consistency with the Clean Air Plan. in that the proposed redevelopment plan amendment does not <u>explicitly</u> support all appropriate regional Transportation Control Measures. | Mitigation AQ-2: A voluntary project-wide Transportation System Management (TSM) program should be developed for new employers within the expanded redevelopment area. The City and/or Redevelopment Agency should encourage mixed-use developments and provision of physical improvements (e.g., sidewalks, bus shelters, bicycle parking) that would act as incentives for pedestrian, bicycle, and transit modes of travel. These measures would further support the Transportation Control Measures contained in the Clean Air Plan. | COH | SSR | S T R | HCEDD | | |
| I. NOISE | | | | | | | |
| Impact N-1: Exposure of Future Housing to Environmental Noise. Residents of project-facilitated housing development may be exposed to traffic noise, railroad noise, and BART noise considered "conditionally acceptable" or "normally unacceptable" under existing City standards. | Mitigation N-1: Require all project-facilitated residential projects proposed for locations adjacent to the major roadways, railroad corridors, or the BART corridor to prepare an acoustical assessment by a qualified acoustical consultant, and require implementation of recommended measures necessary to comply with City of Hayward and state noise standards. | COH | SSR | STR | HCEDD | | |
| Impact N-2: Exposure of Existing Housing to Increased Environmental Noise. More intensive redevelopment of industrial sites adjacent to existing single-family residential areas could create the potential for increased truck traffic noise and other industrial noise. | Mitigation N-2: The proposed redevelopment plan amendment includes provisions for (a) buffering improvements for residential areas to alleviate adverse impacts from incompatible uses; and (b) creation of suitable sites for efficient development. In addition, require all project-facilitated industrial development projects adjacent to residential areas to prepare an acoustical assessment by a qualified acoustical consultant. | COH | SSR | STR | HCEDD | | |

¹ Appl. □ Applicant; COH = City of Hayward

² CPI □ Construction Period **Inspection**; OTC = One-time Confirmation **Action**; PC = Plan **Check**; POC = Post Occupancy **Inspection**; SMS = **Specialized** Monitoring Study; SSR = **Subsequent** Standard **Review**

³ DPC = During **Project** Construction; PBP = Prior to issuance of Building **Permit**; PFM = Prior to **Approval** of Final Map; PGP = Prior to **Issuance** of Grading Permit; PPO □ **Prior** to Project **Occupancy**; PTM = **Prior** to Tentative Map; STR = Specialized Timing **Requirement**

⁴ HRA = Hayward Redevelopment Agency; HCEDD = City of Hayward Community and **Economic** Development Department; HPD = Cii of **Hayward Police Department**; HFD = **City** of Hayward Fire **Department**; HPWD = City of Hayward Public Works Department

| IDENTIFIED IMPACT | RELATED MITIGATION MEASURE (CONDITION OF APPROVAL) | MONITORING | | | | VERIFICATION | |
|---|---|------------------|-------------------------------|-------------------------|--|--------------|------|
| | | Impl. Entity' | Type of Monitoring Action' | Timing Requirements' | Monitoring and Verification Entity' | Signature | Date |
| | and require implementation of recommended measures to avoid substantial increase in noise in adjoining areas and to comply with City of Hayward noise standards. | | | | | | |
| Impact N-3: Construction Noise Exposure. Average noise levels during heavy periods of project-facilitated demolition and construction and maximum noise levels for individual pieces of operating equipment and individual projects in the project area could intermittently be high enough to constitute potentially significant temporary impacts upon the residential areas in the study area. | Mitigation N-3: To reduce project-related construction period noise impacts, the City or Redevelopment Agency, as appropriate, shall impose conditions on all proposed construction activities in the redevelopment area, to be implemented by incorporation into individual construction contracts. with verification submitted to the City or Agency, as appropriate. | COH | SSR; CPI | PBP; DPC | HCEDD | | |
| Impact N-4: Disturbances from Vibration. Ground-borne vibration from trains or other sources has the potential to disturb people living or working in project-facilitated developments. If the vibration would be perceptible to people indoors, then ground-borne vibration would represent a potentially significant impact. | Mitigation N-4: For any development proposed within 100 feet of Union Pacific Railroad or BART tracks, require the applicant's acoustical engineer to make sample ground vibration measurements to determine what design measures are necessary to meet <u>Transit, Noise, and Vibration Impact Assessment</u> (guidance manual; Federal Transit Administration, April 1995) ground vibration criteria. | COH | SSR | STR | HCEDD | | |
| J. CULTURAL RESOURCES | | | | | | | |
| Impact CR-I: Disturbance of Archaeological Resources. Development encouraged and improvements funded by the project could disturb sensitive archaeological resources in the existing redevelopment area and the proposed redevelopment expansion area. | Mitigation CR-I: Evaluate all future project-assisted public improvement projects and private development projects during the City's normal project-specific environmental review (Initial Study) process for the presence of, and potential impacts on, archeological resources. If disturbance of a project area archaeological resource cannot be avoided, a mitigation program, | COH | SSR | STR | HCEDD | | |

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² CPI = Construction Period Inspection; OTC = One-time Confirmation Action; PC = Plan Check; POC = post Occupancy Inspection; SMS = Specialized Monitoring Study; SSR = Subsequent Standard Review

³ DPC = During Project Construction; PBP = Prior to Issuance of Building Permit; PFM = Prior to Approval or Final Map; PGP = Prior to Issuance of Grading Permit; PPO = Prior to Project Occupancy; PTM = Prior to Tentative Map; STR = Specialized Timing Requirement

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| IDENTIFIED IMPACT | RELATED MITIGATION MEASURE (CONDITION OF APPROVAL) | MONITORING | | | | VERIFICATION | |
|---|---|------------------------------|---|-------------------------------------|--|--------------|------|
| | | Impl. Entity ¹ | Type of Monitoring Action ² | Timing Requirements ³ | Monitoring and Verification Entity ⁴ | Signature | Date |
| | including measures set forth in Appendix K of the CEQA Guidelines, should be implemented. | | | | | | |
| Impact CR-2: Destruction/Degradation of Historic Resources. Project-facilitated development has the potential to destroy or substantially degrade historic resources in the project area, if these resources are not identified or recognized and their maintenance, rehabilitation or appropriate reuse are not promoted. | Mitigation CR-2: Evaluate all future project-assisted public improvement projects and private development projects during the City's normal project-specific environmental review (Initial Study) process for the presence of, and potential impacts on, historic resources. If disturbance of a project area historic resource cannot be avoided, a mitigation program should be implemented. | COH | SSR | STR | HCEDD | | |

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ction; SMS = Specialized Monitoring Study; SSR = Subsequent Standard Review
 = Prior to Issuance of Grading Permit; PPO = Prior to Project Occupancy; PTM = Prior to Ten

'D = City of Hayward Police Department; HFD = City of Hayward Fire Department; HPWD = City of Hayward Public Works Department

Map; STR =

Hayward Pub

HAYWARD CITY COUNCIL

RESOLUTION NO.

Introduced by Council Member _____

RESOLUTION ADOPTING FINDINGS IN RESPONSE TO
WRITTEN OBJECTIONS TO ADOPTION OF THE
AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE
DOWNTOWN HAYWARD REDEVELOPMENT PROJECT

WHEREAS, in accordance with the California Community Redevelopment Law (Health & Safety Code section **33000** et seq.), the Redevelopment Agency of the City of Hayward (the "Agency") prepared and submitted to the City Council of the City of Hayward (the "City Council") a proposed Amendment to the Redevelopment Plan (the "Plan Amendment") for the Downtown Hayward Redevelopment Project (the "Project"); and

WHEREAS, the City Council and the Agency held a joint public hearing on October 27, 1998, regarding the proposed Plan Amendment; and

WHEREAS, the City Council has provided an opportunity for all persons to be heard and has received and considered all written comments received and all evidence and testimony presented for or against any and all aspects of the Plan Amendment; and

WHEREAS, Health & Safety Code section 33363 provides that before adopting the redevelopment plan, the legislative body shall make written findings in response to each written objection of an affected property owner or taxing entity and shall respond in writing to the written objections received before or at the noticed public hearing;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY RESOLVE AS FOLLOWS:.

~~The City~~ Council has considered all evidence and testimony on the adoption of the Amendment and has responded in writing to the written objections received before or at the noticed public hearing. Attached as Exhibit A to this resolution is a copy of the August 20, 1998, letter from William E. Rasnick, Vice President and Chief Financial Officer of Select Foods Inc., to Redevelopment Project Manager **Mark J. Fontes** requesting the deletion of the Select Foods property from the area proposed for addition to the Redevelopment Project area.

Section 2. Attached as Exhibit B to this resolution is a copy of the October 14, 1998, letter response from Maret Bartlett, Redevelopment Director, to William E. Rasnick, Vice President and Chief Financial Officer of Select Foods, Inc. The City Council hereby incorporates Exhibit B and the additional information contained in the written staff report presented on October 27, 1998, as its response to each written objection of Select Foods, Inc.

Section 3. No other written objections to the adoption of the Plan Amendment were submitted by any affected property owner or taxing entity prior to the close of the October 27, 1998, joint public hearing.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1998

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



August 20, 1998

Mr. Marc J. Fontes
Redevelopment Project Manager
777 B Street
Hayward, CA 94541-5007

Dear Mr. Fontes:

Select Foods Inc would like to request that all of our property be removed from the proposed amended redevelopment plan. Currently a portion of our property is located in the redevelopment plan area and another portion of our property is not. The following are other reasons that we think that this property does not belong in the redevelopment plan area.

To begin part of this property is under the A street overpass and the rest of it backs up to the railroad tracks. There are not a lot of realistic alternative uses for the property. It seems to us that our present use affords a needed buffer between the main lines of the railroad tracks and the residential area. This property has been used for the same purpose since the 1940's, and we believe that it should continue as such.

Select Foods does not suffer from economic or physical blighting conditions. Our buildings are in excellent condition. In the last two years we have spent in excess of \$200,000 in building upgrades, and we will continue those efforts in the future. This property currently employs about fifty people and we hope to develop it into an area where 70 to 80 people will be employed. Select Foods also provides a vital service for other local businesses, especially locally owned food producers. If Select did not exist the costs for these locally owned businesses would rise significantly.

Currently there is not enough cold storage space available in this area and the local food producers would have to either move to where cold storage is available (probably in the central valley) or see their costs rise in order to ship the goods to available space. The cost of building a new cold storage warehouse in the bay area is economically infeasible.

If left alone to grow and prosper Select Foods will be able to continue its plan to recondition and add value to the property. We are aware that we are adjacent to a residential area, but we have a forty year working relationship with our neighbors. We have been able to coexist with our neighbors and have made many changes to our facility and to our working schedule to accommodate their needs. All future growth will be made using our years of experience in this neighborhood and with the knowledge and desire to coexist with our residential neighbors.

In closing the employees and local food producers would strongly agree that the current use for this property is vital and in the best interest of the community. Select Foods would like to thank you for considering our request and hope that you will agree with us. If I can answer any questions about our operations and usage, please call, write or ask me to appear in person. We certainly want you to understand our business and to see how it fits into the local community.

Thanks again.

Sincerely,



William E. Rasnick
Vice President and CFO



CITY OF
HAYWARD
HEART OF THE BAY

October 14, 1998

Mr. William E. Rasnick
Vice President, CEO
Select Foods, Inc.
P.O. Box 3097
Hayward, CA 94540

SUBJECT: Proposed Downtown Hayward Redevelopment Plan Amendment

Dear Mr. Rasnick:

This letter is in follow up to your letter of August 20, 1998 and our recent conversation. I appreciate your concerns regarding the inclusion of your property in the proposed Redevelopment Plan Amendment area, and understand that you have requested that the Select Foods property be removed from the area.

The proposed Redevelopment Plan Amendment is intended to serve as a tool which will help to revitalize the area. The tools offered by a redevelopment program include not only land acquisition, but the ability to fund public works and other "offsite improvements", hazardous materials remediation assistance and building rehabilitation assistance. These tools are available to property "owner participants" as well as developers, and so your company is not precluded from being a part of this process.

The redevelopment goals developed for the Redevelopment Plan Amendment have been guided by the policies that were adopted as part of the Burbank and Santa Clara Neighborhood Plans as well as the City's General Plan. With specific reference to the Sysco site the Santa Clara Neighborhood Plan states that : 1) the existing industrial uses in the area should be recognized as employment generators; 2) the City should anticipate and plan for potential re-use of the area which meets the City's needs from an economic development standpoint and is sensitive to the existing neighborhoods, and 3) possible reuse and future redevelopment of the Sysco site should consider a use which is compatible with adjacent residences and existing railroad tracks (please see the attached excerpts from the Santa Clara Neighborhood Plan).

The proposed Redevelopment Plan is a 45-year program, and as such is fairly general in nature. The Redevelopment Agency does not have a specific project in mind for your property at this time, nor do I foresee such a project in the immediate future. However, as noted above the proposed Plan Amendment does recognize that over time it is desirable that the industrial uses convert to uses that are more compatible with the surrounding residential neighborhoods. I should also point out that under redevelopment law, incompatible land uses meet the definition of "blight".

Unfortunately, staff can not support your request to be removed from the proposed redevelopment area for the reasons I stated above. However, I will be happy to ensure that your letter is included in the staff report to the Redevelopment Agency Board/City Council for its upcoming public hearing. As you may know, that public hearing is scheduled for October 27, 1998, at 8:00 in the City Council Chambers. Please feel free to telephone Marc Fontes or myself if you have any questions regarding this letter.

Very truly yours,

Maret Bartlett
Redevelopment Director

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
REDEVELOPMENT AGENCY

777 B STREET, HAYWARD, CA 94541-5007
TEL: 510/583-4260 • FAX: 510/583-3651 • TDD: 510/247-3340

Exhibit B

DRAFT



ORDINANCE NO. 98 -

AN ORDINANCE ADOPTING THE FIFTH AMENDMENT
TO THE REDEVELOPMENT PLAN FOR THE
DOWNTOWN HAYWARD REDEVELOPMENT PROJECT

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. BACKGROUND. On December 30, 1975, the City Council of the City of Hayward adopted Ordinance No. 75-029 C.S., which approved the Downtown Hayward Redevelopment Plan ("Redevelopment Plan") and established the Downtown Hayward Redevelopment Project Area ("Project Area"). Since that time the Redevelopment Plan has been amended from time to time, including the expansion of the Project Area on April 21, 1987 to add certain territory designated as Expansion Area through the adoption of Ordinance No. 87-009 C.S.

The Agency has proposed further amendments to the Redevelopment Plan ("Plan Amendment") which will add approximately 370 acres to the existing Project Area ("the Added Area"), as depicted in the Boundary Map attached as Exhibit A to this ordinance, and modify certain provisions in the Redevelopment Plan. The Planning Commission has held a public hearing and recommended certification of the EIR and adoption of the Proposed Plan Amendment. The Agency staff has prepared an environmental impact report ("EIR"), a September 1998 **Report to Council for the Amended Downtown Hayward Redevelopment Project ("Plan Amendment Report")** pursuant to Health & Safety Code section 33352, which are incorporated by reference. The Agency staff has also prepared proposed Fifth Amendment to the Redevelopment Plan ("Plan Amendment"), which is attached as Exhibit B to this ordinance.

The Hayward Redevelopment Area Committee ("HRAC"), which is the Project Area Committee, has also prepared and submitted a written **Report and Recommendation on the Proposed Amended Downtown Hayward Redevelopment Plan** to the Agency. The City Council has reviewed each of the foregoing documents, copies of which have also been made available for public review in the office of the City Clerk.

On October 27, 1998, the City Council and the City Council in its capacity as the Redevelopment Agency held a joint hearing on the certification of the EIR, the proposed Plan Amendment and a proposed implementation plan covering the period between 1999 to 2004 contained in the Plan Amendment Report ("Implementation Plan"), pursuant to Health & Safety Code section 33355. At that time, the Council considered the report of its staff and the Redevelopment Agency, as well as the comments and written objections to the Proposed Plan

Amendment and responses thereto. Following the close of the public hearing and its consideration of the proposed Plan Amendment, the Redevelopment Agency adopted Resolution No. **RA-98-____**, certifying the final EIR prepared for the Proposed Plan Amendment, approving the mitigation plan for such Plan Amendment and adopting findings regarding the proposed environmental impacts thereof. Based on the documents and comments considered at the public hearing, the City Council adopts this ordinance approving the Report to Council, dated September, 1998, the Plan Amendment, and the Implementation Plan proposed by the Redevelopment Agency.

Section 2. FINDINGS. The City Council hereby makes the following findings as to the Plan Amendment in accordance with Health & Safety Code section 33367:

A. **CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE.** The Redevelopment Agency has adopted Resolution No. **RA-98-____**, which approves findings, certifies an environmental impact report ("EIR") regarding the environmental impacts of the Plan Amendment, and approves a Mitigation Monitoring Plan. The City Council has also reviewed the EIR, the Agency's findings and the Mitigation Monitoring Plan approved by the Agency before the adoption of this Ordinance and incorporates by reference such Agency findings and actions.

B. **BLIGHTING CONDITIONS NECESSITATING REDEVELOPMENT.** The City Council has reviewed and incorporates by this reference the entirety of the Report to Council, dated September, 1998, a copy of which is on file with the City Clerk. The blighting physical and economic conditions remaining in the Existing Project Area are discussed on pages II-12 through II-32 and which are present in the Added Area (pp. II-37 through II-52). As to the Added Area, such blighting conditions include, but are not limited to, deteriorated or dilapidated buildings, incompatible adjacent uses, substandard or underutilized lots, stagnating property values, the presence of hazardous materials contamination and a relatively high crime rate.

C. **THE PROPOSED PLAN AMENDMENT.** Exhibit B, the Plan Amendment contains the following major changes to the Redevelopment Plan:

1. **POLICIES PERTAINING TO THE ADDED AREA.** The Added Area is characterized by a number of blighting conditions which are described more fully on pages II-37 through II-52 of the report to Council. The primary goals of the Project, as to the Added Area, are to preserve the established residential areas, with special attention to the residences located on the "B" Street corridor; to implement the goals of the City's adopted neighborhood plans, specifically the Burbank and Santa Clara Neighborhood Plans; to promote re-use of obsolete buildings and properties, particularly those

used or designated for industrial and commercial uses; and to consider and promote development projects which will eliminate blighting conditions, such as land use incompatibility, or provide needed public improvements. In addition, the Plan Amendment contains the following provisions:

- a. A time limit for issuance of debt pertaining to the redevelopment of the Added Area which will expire in 2018.
- b. The time limit for plan effectiveness will expire in 2028.
- c. The time limit for receipt of tax increment will expire in 2043.
- d. The Agency will have the ability to exercise the power of eminent domain as to properties in the Added Area through 2010.

2. **MODIFICATION OF LIMITATIONS APPLICABLE TO THE EXISTING PROJECT AREA.** The Plan Amendment will also modify certain limitations in the Redevelopment Plan applicable to the Existing Project Area as follows:

- a. The time limit for issuance of debt pertaining to the Existing Project Area will be extended by ten years to January 1, 2014.
- b. The time limit for Plan effectiveness will remain December 30, 2015 as to the Project Area in existence before April 21, 1987 ("Initial Project Area") and December 30, 2020, as to the Project Area added in 1987 ("the 1987 Expansion Area").
- c. The time limit for the receipt of tax increment from the Existing Project Area will be extended by five years to December 30, 2025. However, the maximum amount of tax increment from the Existing Project Area will remain unchanged; these are \$150 million as to the Initial Project Area and \$20 million as to the 1987 Expansion Area.
- d. The Plan Amendment also extends the ability to utilize eminent domain in the Existing Project Area by twelve years, therefore such power will be available through 2010. However, the Redevelopment Agency shall not acquire any residential property in the 1987 Expansion Area through eminent domain as long as such property

D. GENERAL PLAN CONSISTENCY. The Plan, as amended by the Plan Amendment is consistent with the General Plan for the City of Hayward and all portions thereof, including but not limited to the Housing Element. The inclusion of the Added Area will also promote the specific goals and objectives of the Burbank and Santa Clara Neighborhood Plans.

E. NECESSITY FOR REDEVELOPMENT. The City Council takes administrative notice of the history of economic development in the Project Area and the Added Area, and finds that elimination of blight in the Redevelopment Area, including the Added Area, cannot be accomplished by private enterprise acting alone without the aid and assistance of the Redevelopment Agency. In addition, the carrying out of the amended Redevelopment Plan will promote the public peace, health, safety, and welfare of the community and would effectuate the purposes and policies of the Community Redevelopment Law.

F. EMINENT DOMAIN. The Plan Amendment authorizes the Agency to exercise the power of eminent domain as to properties in the Added Area through 2010 and extends the power of eminent domain as to properties in the Existing Project Area by twelve years, so that eminent domain may be initiated through 2010. Within the 1987 Expansion Area, acquisition of property by eminent domain is not authorized for residential properties which the Agency determines to be owned and occupied by the property owner as of March 28, 1987. Subject to such qualification, the ability to acquire properties in the Added Area through the use of eminent domain is necessary to achieve the goals of the amended Redevelopment Plan. If it is necessary to condemn real property, the Agency will comply with state law guidelines which promote the payment of appropriate compensation for property acquisition and the payment of appropriate relocation assistance.

G. RELOCATION AND REPLACEMENT HOUSING. Pages VI-1 through VI-6 of the **Plan Amendment Report** contains a feasible plan for provision of relocation services and benefits to any business and to any resident who may be displaced as a result of Redevelopment Plan implementation. The **Plan Amendment Report** also indicates that permanent housing facilities will be available within four years from the time occupants of the Redevelopment Project are displaced and, pending the development of such facilities, displaced residents will be furnished with adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement. In addition, the City Council also declares as follows:

1. There are, or will be provided, in the project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the amended Project Area, decent, safe, and sanitary dwellings equal in number to the number of and available to the

displaced families and persons and reasonably accessible to their places of employment.

2. Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Health & Safety Code sections 33411 and 3411.1. Dwelling units housing persons and families of low or moderate income shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to Health & Safety Code sections 33334.5, 33413, and 33413.5.

H. **INCLUSION OF ALL PROPERTIES IN PROJECT AREA.** The inclusion of any lands, buildings, or improvements which are not detrimental to the public health, safety, or welfare is necessary for the effective redevelopment of the entire area of which they are a part and any area include is necessary for effective redevelopment and is not included for the purpose of obtaining the allocation of tax increment revenues from the Project Area, as amended, without other substantial justification for its inclusion.

I. **URBANIZATION.** The Project Area, as expanded by the Added Area, is an urbanized area within the meaning of Health & Safety Code section 33320.1.

J. **FEASIBILITY.** Pages IV-1 through IV-19 of the *Plan Amendment Report* indicate that adoption and implementation of the Redevelopment Plan, as amended by the Plan Amendment, is economically sound and feasible.

K. **RATIONAL RELATIONSHIP.** The time limitation, and the limitation on the number of dollars to be allocated to the Agency contained in the Redevelopment Plan, as amended by the Plan Amendment, are reasonably related to the proposed projects to be implemented in the Project Area, as expanded by the Added Area, and to the ability of the Agency to eliminate blight within such amended Project Area.

Section 3. FINDINGS REGARDING USE OF LOW AND MODERATE INCOME HOUSING FUNDS GENERATED BY ADDED AREA. The Redevelopment Agency has previously adopted Resolution No. RA-91-10, a *Resolution Adopting Low and Moderate Income Housing Fund Guidelines*. The adoption of the Plan Amendment will result in the allocation to the Redevelopment Agency for redevelopment purposes of tax increment revenues allocated from properties in the Added Area. Pursuant to Health & Safety Code section 33334.2(g), the City Council finds that use of tax increment funds generated from the Added Area as to areas located outside the Added Area for the improvement and increase of the supply of low-and moderate-income housing available at affordable housing cost in the City of Hayward will be of benefit to the Project Area.

Section 4. APPROVAL OF PLAN AMENDMENT. The Redevelopment Plan, as initially adopted by Ordinance No. 75-029 C.S. on December 30, 1975, as amended by Ordinance No. 86-041 C.S. adopted on December 16, 1986; Ordinance No. 87-009 C.S. adopted on April 21, 1987; Ordinance No. 92-21 adopted on July 28, 1992; and Ordinance No. 94-30, adopted on December 20, 1994; is hereby further amended to incorporate the Plan Amendment. The amended Redevelopment Plan, a copy of which is on file in the office of the City Clerk, is hereby incorporated by this reference and shall take effect as the amended Redevelopment Plan for the Downtown Hayward Redevelopment Project in accordance with this ordinance.

Section 5. FILING AND TRANSMITTAL. The City Clerk is hereby directed to file a copy of the amended Redevelopment Plan with the minutes of the City Council's meeting, and to transmit a copy of this ordinance to the Agency.

Section 6. RECORDATION. The Executive Director of the Agency is hereby directed to record this ordinance and the amended Redevelopment Plan in compliance with the provisions of Government Code section 27295.

Section 7. EFFECTIVE DATE. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 1998, by Council Member_____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of _____, 1998, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

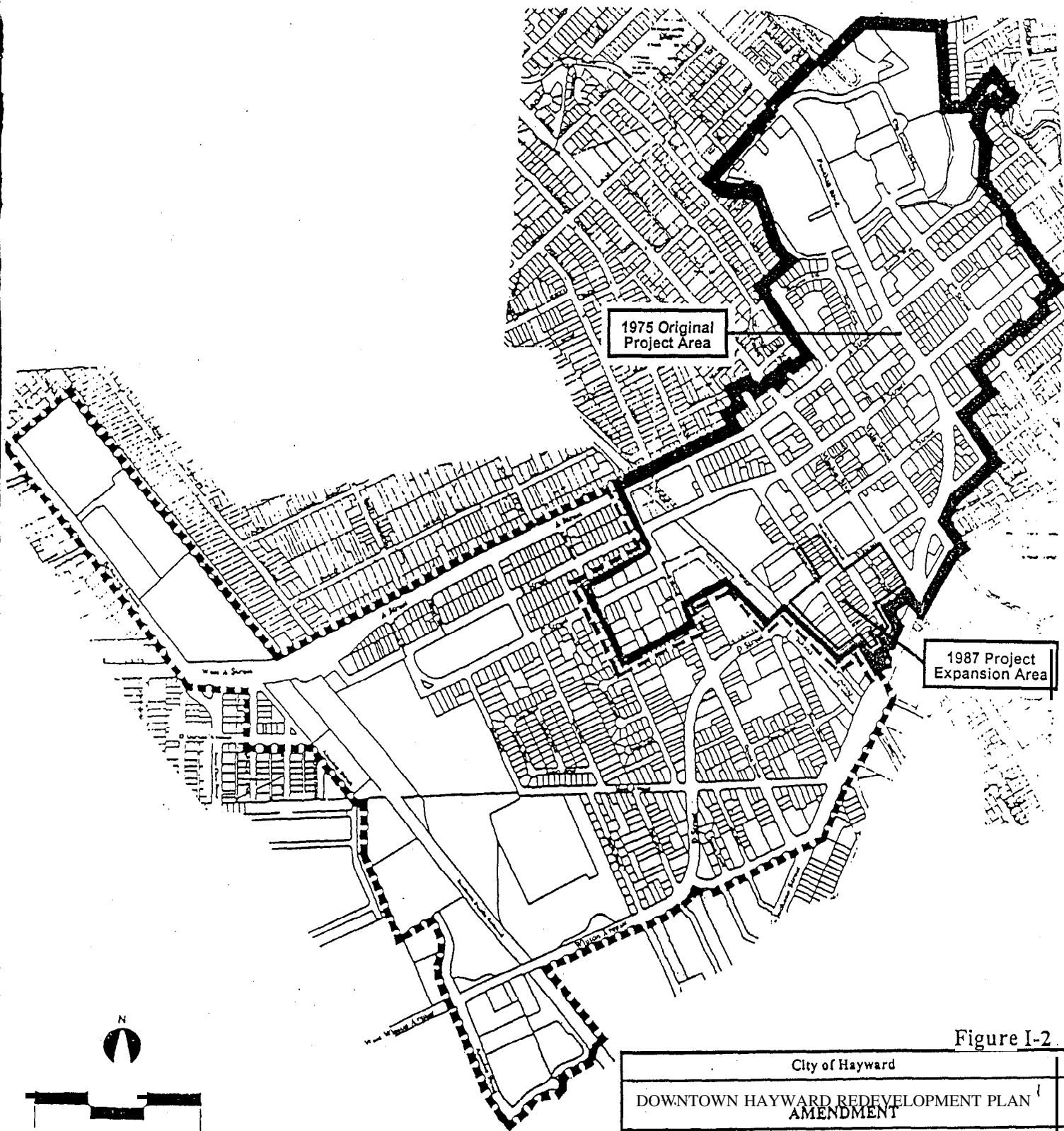
APPROVED: _____
Mayor of the City of Hayward

ATTEST: _____
City Clerk of the City of Hayward

✓

APPROVED AS TO FORM:

City Attorney of the City of Hayward





1975 Original
Project Area

1987 Project
Expansion Area

Figure I-2

City of Hayward
DOWNTOWN HAYWARD REDEVELOPMENT PLAN
AMENDMENT
Boundary Map

 Existing Redevelopment Project Boundary
 Added Area Boundary

The Redevelopment Agency of the City of Hayward
 Selfel Associates
 John B. Dykstra & Associates
 19 August 1998

Exhibit A

FIFTH AMENDMENT TO THE
REDEVELOPMENT PLAN FOR THE
DOWNTOWN HAYWARD REDEVELOPMENT PROJECT

The Redevelopment Plan for the Downtown Hayward Redevelopment Project originally adopted December 30, 1975, by Ordinance No. **75-029**, and amended on December 16, 1986, by Ordinance No. **86-041**; April 21, 1987, by Ordinance No. 87-009; July 28, 1992, by Ordinance No. 92-21; and December 20, 1994, by Ordinance No., 94-30, is hereby further amended as follows:

1. Section I is hereby amended to read as follows:

This is the Redevelopment Plan for the Downtown Hayward Redevelopment Project in the City of Hayward, County of Alameda, State of California; it consists of the text, the Project Boundary Map (Exhibit A) and the Land Use Map (Exhibit B). This Plan was prepared by the Redevelopment Agency of the City of Hayward pursuant to the Community Redevelopment Law, the California Constitution and all applicable local laws and ordinances.

The proposed redevelopment of the area within the boundaries of the Project as described in this Plan conforms to the City of Hayward General Plan, adopted by the City Council of the City of Hayward on May 6, 1986.

This Plan is based upon a Preliminary Plan formulated and adopted by the Planning Commission of the City of Hayward by Resolution No. **98-01**, on April 9, 1998, as amended.

This Plan provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation, and revitalization of the area within the Project Area. Because of the long-term nature of this Plan and the need to retain in the Agency flexibility to respond to market and economic conditions, property owner and developer interests, and opportunities from time to time presented for redevelopment, this Plan does not present a precise plan or establish specific projects for the redevelopment, rehabilitation and revitalization of any area within the Project Area, nor does this Plan present specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects will

be established, and specific solutions will be proposed and by which tools are provided to the Agency to fashion, develop and proceed with such specific plans, projects and solutions.

2. Item E of Section II is hereby deleted in its entirety, as follows:

~~“Map” means the Project Boundary and Land Use Map for the Downtown Hayward Redevelopment Project (Exhibit A).~~

Items F through H of Section II are hereby re-lettered accordingly.

3. Item I of Section II is hereby re-lettered and amended to read as follows:

H. “Plan” means the Downtown Hayward Redevelopment Plan.

Items J and K of Section II are hereby re-lettered accordingly.

4. Item L of Section II is hereby re-lettered and amended to read as follows:

K. “Project Area” means the area included within the boundaries of the Downtown Hayward Redevelopment Project Area and, except as used in Sections VI.B.3. and VII., the area within Project Expansion Area No. 1 and Project Expansion Area No. 2.

Item M of Section II is hereby re-lettered accordingly.

5. A new item M is hereby added to Section II to read as follows:

M. “Project Expansion Area No. 2” means that area delineated as Project Expansion Area No. 2 on Exhibit A and described in Section III.

6. The first paragraph of Section III is hereby amended to read as follows:

The Downtown Hayward Redevelopment Project Area, hereinafter called the “Project Area,” is delineated on the Project Boundary Map designated as Exhibit A, attached hereto and by this reference made a part hereof, and is more particularly described as follows:

7. New language is hereby added to the end of Section III to read as follows:

Project Expansion Area No. 2 is delineated on the Project Boundary Map, attached hereto as Exhibit A and by this reference

made a part hereof, and is more particularly described as follows:

REAL property in the City of Hayward, County of Alameda, State of California, described as follows:

BEGINNING at the intersection of the southeastern right-of-way line of Jackson Street, a State Highway, **4ALA92**, with the southeasterly prolongation of the southwestern right-of-way line of Atherton Street; thence southwesterly along said southeastern right-of-way line of Jackson Street to the intersection thereof with the easterly prolongation of the southern right-of-way line of **Winton** Avenue; thence southwesterly along said southeastern right-of-way line of **Winton** Avenue to the intersection thereof with the northeastern right-of-way line of the Union Pacific Railroad; thence southwesterly along said northeastern right-of-way line of the Union Pacific Railroad to the intersection thereof with a line drawn perpendicular to said northeastern line of said railroad from the most northerly corner of Lot 1, as said lot is shown on the map entitled "Tract 6386, etc.," filed June 29, 1992, in Book 201 of Maps at Pages 54 and 55 in the **office** of the County Recorder of Alameda County; thence southwesterly along the northwestern line of said Lot 1 in Tract 6386 to the intersection thereof with the southeastern right-of-way line of **Elmhurst** Street; thence southwesterly along said southeastern right-of-way line of **Elmhurst** Street to the intersection thereof with the northeastern right-of-way line of Amador Street; thence northwesterly along said northeastern right-of-way of Amador Street to the intersection thereof with the southeastern boundary line of Centennial Park; thence southwesterly along said southeastern boundary line and northwesterly along the southwestern and western boundary lines of Centennial Park to the intersection thereof with the northern line of Lot 1 in Block 4, as last said lot and block are shown on the map entitled "Tract 1018, etc.," filed in Book 30 of Maps at Page 77 in the office of the County Recorder of Alameda County; thence westerly along said northern line of last said Lot 1 to the intersection thereof with the eastern right-of-way line of Amador Street; thence northerly and northwesterly along said eastern right-of-way line of Amador Street to the intersection thereof with the southeastern right-of-way line of West "A" Street; thence southwesterly along said southeastern right-of-way line of West "A" Street to the intersection thereof with the southeasterly prolongation of the southwestern line of Hathaway Avenue; thence northwesterly along last said prolongation and said southwestern line of Hathaway Avenue to the intersection thereof with the

northern boundary line of the City of Hayward, a municipal corporation; thence northeasterly and southeasterly along said northern boundary line of the City of Hayward, to the intersection thereof with the northern right-of-way line of said West "A" Street; thence easterly and northeasterly along said northern right-of-way of West "A" Street to the intersection thereof with northwesterly prolongation of the northeastern right-of-way line of Burbank Street; thence southeasterly along last said northwesterly prolongation and said northeastern right-of-way line of Burbank Street to a point of curve; thence southeasterly, easterly and northeasterly along the arc of a tangent curve, to the left, having a radius of 204 feet, to a point of tangency thereof with the northwestern line of said "C" Street; thence northeasterly along said northwestern line of "C" Street to the intersection thereof with said southwestern line of the Downtown Hayward Redevelopment Project; thence southeasterly, northeastern, northwesterly, northeasterly, southeasterly, northeasterly, southeasterly and northeasterly **along** said general southern line to the intersection thereof with said southwestern line of Atherton Street; thence southeasterly along said southwestern line of Atherton Street and said. southeasterly prolongation to the Point of Beginning.

8. New language is hereby added to the end of Section V.B. to read as follows:

Within Project Expansion Area No. 2, anticipated public improvements include the following:

- Downtown parking improvements, including approximately 300 new parking spaces and other improvements to existing parking lots
- Streetscape improvements along A Street and C Street
- Public trail improvements along San Lorenzo Creek
- Sidewalk improvements within the downtown area
- Improved lighting for pedestrian safety
- Pedestrian and bike access over the railroad tracks from the Cannery area to Centennial Park
- Circulation improvements within the Cannery area
- Undergrounding of overhead utility lines
- Construction of adequate streets, traffic control, utility infrastructure, parking facilities and open space to support contemplated development

9. The seventh paragraph of Section V.E.1. is hereby amended to read as

follows:

In no event shall the Agency. institute eminent domain proceedings to acquire property within the Project Area after 12 years from the date the ordinance adopting the Fifth Amendment to the Plan becomes effective. This time limit for commencement of eminent domain may be extended only by amendment of the Plan.

10. The eighth paragraph of Section V.E.1. is hereby amended to read as follows:

That certain real property within the Project Area that was previously exempted from acquisition by eminent domain by Agency Resolution No. RA-92-08, adopted on July 7, 1992, shall be subject to acquisition by eminent domain from and after the effective date of the ordinance adopting the Fifth Amendment to the Plan.

11. Section V.F.I. is hereby amended to read **as** follows:

1. Assistance in Finding Other Locations

The Agency shall assist all persons, business concerns and others displaced by the Project in finding other locations and facilities. In order to carry out the Project with a minimum of hardship to persons, business concerns and others, if any, displaced by the Project, the Agency, shall assist such persons, business concerns and others in finding new locations that are decent, safe, sanitary, within their respective financial means, in reasonably convenient locations and otherwise suitable to their respective needs. The Agency may also provide housing inside or outside the Project Area for displaced persons.

12. Section V.G.2. is hereby amended to read as follows:

2. Preparation of **Building** and Development Sites

The Agency is authorized to prepare or cause to be prepared as building and development sites any real property in the Project Area owned or acquired by the Agency. In connection therewith, the Agency may cause, provide for or undertake the installation or construction of streets, utilities, parks, playgrounds and other public

improvements necessary to carry out this Plan. The Agency is also authorized to construct foundations, platforms and other **structural** forms necessary for the provision or utilization of air rights sites for buildings to be used for residential, commercial, industrial, public and other uses provided for in this Plan.

Prior consent of the City Council is required for the Agency to develop sites for commercial or industrial use by providing streets, sidewalks, utilities or other improvements which an owner or operator of the site would otherwise be obliged to provide.

13. The first sentence of the last paragraph of section **V.H.1.c.** is hereby amended to read as follows:

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, religion, sex, sexual orientation, marital status, ancestry or national origin in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of property in the Project Area.

14. Section **V.H.1.d.** is hereby amended to read as follows:

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop or construct any publicly-owned building, facility, structure or other improvement either within or without the Project Area, for itself or for any public body or entity, which buildings, facilities, structures or other improvements are or would be of benefit to the Project Area. Specifically, the Agency may pay for, install or construct the buildings, facilities, structures and other improvements identified in Section **V.B.** of this Plan and may acquire or pay for the land required therefor.

In addition to the public improvements authorized' under Section **V.G.2.** and the specific publicly-owned improvements identified in Section **V.B.** of this Plan, the Agency is authorized to install and construct, or to cause to be installed and constructed, within or without the Project Area, for itself or for any public body or entity for the benefit of the Project Area, public improvements and public utilities, including, but not limited to, the following: (1) over- and underpasses; (2) sewers; (3) natural gas distribution systems; (4) water distribution systems; (5) parks, plazas, and pedestrian paths; (6) playgrounds; (7) parking facilities; (8) landscaped areas; and (9)

street improvements.

The Agency may enter into contracts, leases and agreements with the City or other public body or entity pursuant to this Section V.H.1.d., and the obligation of the Agency under such contract, lease or agreement shall constitute an indebtedness of the Agency which may, be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision (b) of Section 33670 of the Community Redevelopment Law and Section VIII.B. of this Plan or out of any other available funds.

15. Section V.H.2. is hereby amended to read as follows:

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber or otherwise dispose of personal property which is acquired by the Agency.

16. Section V.I.1 . is hereby amended to read as follows:

The redeveloper shall comply with all state and local laws, in effect from time to time, prohibiting discrimination or segregation by reason of race, color, creed, religion, sex, sexual orientation, marital status, national origin or ancestry, in the sale, lease or occupancy of the property.

Pursuant to California Health and Safety Code Sections 33337 and 33435-33436, contracts entered into by the Agency relating to the sale, transfer or leasing of land, or any interest therein acquired by the Agency within any redevelopment area or project, shall include the express provisions set forth in said sections in substantially the form set forth in Section 33436, and such contracts shall further provide that the provisions of said sections shall be binding upon and shall obligate the contracting party or parties and any subcontracting party or parties and all other transferees under the instrument.

17. Section V.I.2. is hereby amended to read as follows:

All deeds, leases or contracts for the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of any land in the Project Area shall contain the following nondiscrimination clauses as prescribed in California Health and Safety Code Section 33436:

In deeds the following language shall appear:

"The grantee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against, or segregation of, any person or group of persons on account of race, color, creed, religion, sex, sexual **orientation**, marital status, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises 'herein conveyed, nor shall the grantee or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land."

In leases, the following language shall appear:

"The lessee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, **and** all persons claiming under or through him or her, and this lease is made and accepted upon and subject to the following conditions: That there shall be no discrimination against or segregation of any person or group of persons, on account of race, color, creed, religion, sex, sexual orientation, marital status, national origin or ancestry in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the premises herein leased nor shall the lessee himself, or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, subtenants, sublessees, or vendees in the premises herein leased."

18. The second paragraph of Section V.J. is hereby amended to read as follows:

The Agency by law is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. The Agency shall have the right to impose on all public bodies the

planning and design controls contained in the Plan to insure that present uses and any future development by public bodies conform to the requirements of this Plan. To the extent now or hereafter permitted by law, the Agency is authorized to financially (and, otherwise) assist any public entity in the cost of public land, buildings, facilities, structures, or other improvements (within or outside the Project Area), which land, buildings, facilities, structures, or other improvements are or would be of benefit to the Project. Any public body which owns or leases property in the Project Area will be afforded all the privileges of owner and tenant participation in the Project if such public body is willing to enter into a participation agreement with the Agency. All plans for development of property in the Project Area by a public body shall be subject to Agency approval.

19. The first sentence of Section VI. is hereby amended to read as follows:

The permitted uses of the Redevelopment Plan are consistent with the Hayward General Policies Plan.

20. Section VI.A. is hereby amended to read as follows:

A Land Use Map showing the permitted land uses and major circulation routes within the Project Area is attached hereto as Exhibit B.

21. The first sentence of Section VI.B. is hereby amended to read as follows:

The areas designated on the attached Exhibit B shall be developed for uses which may include, but shall not be limited to, the uses described below.

22. The second paragraph of Section VI.B. is hereby deleted, as follows:

~~Within Project Expansion Area No. 1, there are currently approximately 57 dwelling units at the time of adoption of the Plan for this area. It is anticipated that approximately 400-450 housing units may be developed in Project Expansion Area No. 1 during the life of the Plan.~~

23. A new fourth paragraph is hereby added to Section VI.B.3. to read as follows:

Within Project Expansion Area No. 2, there are approximately

1,000 dwelling units at the time of adoption of the Fifth Amendment to the Redevelopment Plan. It is anticipated that approximately 790 housing units may be developed in the Project Expansion Area No. 2 during the life of the Plan.

24. The second sentence of Section **VI.B.4.** is hereby amended to read **as follows:**

Specific areas have been designated in Exhibit B for such purposes.

25. The first sentence of Section VI.B.5. is hereby amended to read as follows:

All illustrated on Exhibit B, the public street system in the Project Area should remain basically the same as currently exists.

26. Section **VI.B.6.** is hereby amended to read as follows:

The Agency is authorized to permit an existing use to remain in an existing building in good physical condition which does not conform to the provisions of this Plan provided that such use is generally compatible with the developments and uses within the Project Area. The owner of such a property must be willing to enter into a participation agreement and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and use of the Project Area;

The Agency may authorize additions, alterations, repairs, or other improvements in the Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project where, in the determination of the Agency, such improvements would be compatible with surrounding Project uses and development.

27. Section VI.B.7. is hereby added to read as follows:

7. Interim Uses

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses that are not in conformity with the uses permitted in this Plan.

28. Section VI.C.5. is hereby amended to read as follows:

There shall be no discrimination or segregation based on race, color, creed, religion, sex, sexual orientation, marital status, national origin or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of property in the Project Area.

29. The first sentence of Section VIII.B.2. is hereby amended to read as follows:

Except as provided in paragraph (3) below, that portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Redevelopment Agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Redevelopment Project.

30. Sections VIII.B.3. and VIII.B.4. are hereby deleted, and new language is hereby added to replace said paragraphs as follows:

3. That portion of the taxes in excess of the amount identified in paragraph (1), above, which are attributable to a tax rate levied by a taxing agency which was approved by the voters of the taxing agency on or after January 1, 1989, for the purpose of producing revenues in an amount sufficient to make annual repayments of the principal of, and the interest on,, any bonded indebtedness for ~~the~~ acquisition or improvement of real property shall be allocated to, and when collected ~~shall~~ be paid into, the fund of that taxing agency.

The portion of taxes mentioned in paragraph (2), above, is hereby irrevocably pledged for the payment of the principal of and interest on the advance of moneys, or making of loans or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project, in whole or in part. The Agency is authorized to make such pledges as to specific advances, loans, and indebtedness as appropriate in carrying out the Project.

The Agency is authorized to issue bonds from time to time, if it deems appropriate to do so, in order to finance all or any part of the

Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

The bonds and other obligations of the Agency are not a debt of the City or the state, nor are any of its political subdivisions liable for them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency, and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The Agency shall not establish or incur loans, advances, or indebtedness to finance in whole or in part the Project beyond the following limits:

| | |
|------------------------------|-----------------|
| Original Project Area | January 1, 2014 |
| Project Expansion Area No. 1 | April 21, 2017 |
| Project Expansion Area No. 2 | , 2018 |

Loans, advances, or indebtedness may be repaid over a period of time beyond said time limits. These time limits shall not prevent the Agency from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the Community Redevelopment Law. Further, these time limits shall not prevent the Agency from refinancing, refunding, or restructuring indebtedness after the time limits if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time limits for repaying indebtedness set forth immediately below in this Section VIII.B.

The Agency shall not receive, and shall not repay loans, advances, or other indebtedness to be paid with the proceeds of property taxes from the Project Area pursuant to Section 33670 of the Community Redevelopment Law and this Section VIII.B. beyond the following limits:

| | |
|------------------------------|-------------------|
| Original Project Area | December 30, 2025 |
| Project Expansion Area No. 1 | December 30, 2025 |
| Project Expansion Area No. 2 | , 2043 |

31. Section VIII.D. is hereby amended to read as follows:

Pursuant to Section 33334.2 of the Community Redevelopment Law, not less than **twenty** percent of all tax increments allocated to the Agency pursuant to Section 33670 of the Community Redevelopment Law and Section **VIII.B.** of this Plan shall be used by the Agency for the purposes of increasing, improving and preserving the community's supply of housing for persons and families of very low, low or moderate income unless certain findings are made as required by that section to reduce or exempt such requirement. In carrying out this purpose, the Agency may exercise any or all of its powers.

The Agency may use these funds to meet, in whole or in part, the replacement housing provisions in Section V.L., above. These funds may be used inside or outside the **Project** Area provided, however, that funds may be used outside the Project Area only if findings of benefit to the Project are made as required by said Section 33334.2 of the Community Redevelopment Law.

The funds for this purpose shall be held in a separate Low and Moderate Income Housing Fund until used. Any interest earned by such Low and Moderate Income Housing Fund shall accrue to the Fund.

32. Section **VIII.E.** is hereby amended to read as follows:

The Agency shall not receive tax increment dollars greater than the following limits without further amendment of this Plan:

| | |
|------------------------------|----------------------|
| Original Project Area | \$150,000,000 |
| Project Expansion Area No. 1 | \$20'000,000 |

As to the entire Project Area, no more than **\$150,000,000** of bonded indebtedness which can be repaid in whole or in part from tax increments shall be outstanding at any one time without further amendment of this Plan.

33. **VIII.F.** is hereby amended to read as follows:

With respect to Project Expansion Area No. I, the Agency shall comply with, and is authorized to exercise the rights and duties contained in, the provisions of Health and Safety Code Section 33401, which states that the Agency may in any year during which it owns property in a redevelopment project that is tax exempt pay directly to any city, county, city and county, district, including, but

not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon the property had it not been exempt, an amount of money in lieu of taxes that may not exceed the amount of money the public entity would have received if the property had not been tax exempt.

34. Section XI. is hereby amended to read as follows:

XI. DURATION OF THIS PLAN

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, as follows:

| | |
|------------------------------|-------------------|
| Original Project Area | December 30, 2015 |
| Project Expansion Area No. 1 | December 30, 2020 |
| Project Expansion Area No. 2 | , 2043 |

provided, however, that subject to the limitations set forth in Section VIII.B. of this Plan, the Agency may issue bonds and incur obligations pursuant to this Plan which extend beyond the termination date, and in such event, this Plan shall continue in effect to the extent necessary to permit the full repayment of such bonds or other obligations. After the termination of this Plan, the Agency shall have no authority to act pursuant to this Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts unless the Agency has not completed its housing obligations pursuant to Section 33413 of the Community Redevelopment Law, in which case the Agency shall retain its authority to implement requirements under Section 33413 of the Community Redevelopment Law, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete such housing obligations as soon as is reasonably possible.

35. The first paragraph of Section XII. is hereby amended to read as follows:

This Plan may be amended by means of the procedure established in Section 33354.6 and/or 33450-33458 of the Community Redevelopment Law or by any other procedure hereafter established by law.

36. The Project Boundary and Land Use Map for the Downtown' Hayward Redevelopment Project (Exhibit A) is hereby deleted. The Project Boundary Map and the Land Use Map, both attached hereto, are added to the Plan as Exhibits A and B, respectively.

37. The Table of Contents is hereby amended to conform to the changes contained in this Fifth Amendment to the Redevelopment Plan.

DRAFT

10-21-98 J2
JB 10/22/98

REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD

RESOLUTION NO. RA - 98-____

Introduced by Commissioner _____

RESOLUTION ADOPTING FINDINGS REGARDING THE USE OF LOW AND MODERATE INCOME HOUSING FUND INCOME, CONFIRMING THE CONTINUED APPLICABILITY OF RESOLUTION NO. RA-91-10 TO THE USE OF LOW AND MODERATE INCOME HOUSING FUNDS FOR AREAS OUTSIDE OF THE REDEVELOPMENT PROJECT AREA, AND ADOPTING A FIVE YEAR IMPLEMENTATION PLAN FOR THE PERIOD 1999-2004

WHEREAS, Section 33334.2 of the California Community Redevelopment Law (Health & Safety Code Section 33000 et seq.) requires that not less than twenty percent (20%) of all taxes allocated to the Agency shall be used for the purpose of improving and increasing the community's supply of low- and moderate-income housing available at affordable housing cost; and the Redevelopment Agency of the City of Hayward (the "Agency") has previously adopted Resolution No. RA-91-10, a ***Resolution Adopting Low and Moderate Income Housing Fund Guidelines***; and

WHEREAS, the Agency has prepared a proposed Amendment to the Redevelopment Plan (the "Plan Amendment") for the Downtown Hayward Redevelopment Project (the "Project") which would result in the allocation of taxes from certain area proposed to be added by the Amendment (the "Added Area") to the Agency for the purposes of redevelopment and has certified an environmental impact report regarding the Plan Amendment; and

WHEREAS, the Redevelopment Agency and the City Council held a joint public hearing on the Plan Amendment and, pursuant to the procedures contemplated by Health & Safety Code section 33359, the City Council has introduced an ordinance approving the adoption of the Plan Amendment; and

WHEREAS, Section 33334.2 of the California Community Redevelopment Law (Health & Safety Code section 33000 et seq.) requires that not less than twenty percent (20%) of all taxes so allocated be used by the Agency for the purpose of improving and increasing the community's supply of low- and moderate-income housing available at affordable housing cost; and Health & Safety Code section 33334.2(g) provides that the Agency may use such funds outside the Project Area if a finding is made by resolution of the Agency and the City Council that such use will be of benefit to the Project; and

WHEREAS, the Agency has previously adopted Resolution No. RA-94-09, approving a five year plan implementation of the Redevelopment Plan pursuant to the requirements of Health & Safety Code section 33490 ("Implementation Plan"), and the Agency has held a joint

has held a joint public hearing with the City Council on October 27, 1998 to consider a proposal for adoption of amendments to the Downtown Hayward Redevelopment Plan and a revised Implementation Plan.

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD DOES HEREBY RESOLVE as follows:

1. USE OF LOW AND MODERATE INCOME HOUSING FUND. That the use of tax increment revenue attributed to the Added Area for the purpose of improving and increasing the community's supply of low and moderate income housing located outside the Project Area, as amended by the addition of the Added Area, will be of benefit to the Project, as amended. Accordingly, ***the Low and Moderate Income Housing Fund Guidelines*** previously approved by the adoption of Resolution No. RA-91-10, shall also apply to the use of tax increment funds attributable to the Added Area for the development of low and moderate income housing outside the Project Area, as expanded by the Added Area.

2. IMPLEMENTATION PLAN. The Redevelopment Agency has previously adopted Resolution No. RA-94-09, which approves a five year Implementation Plan for the Existing Project Area. The City Council finds that the Implementation Plan contained at pages V-1 through V-32 of the report to Council, dated September 1998, constitutes a statement of the Redevelopment Agency's goals and objectives for the Project Area for the period 1999-2004, and an explanation of how the goals and objectives projects and expenditures will eliminate blight within the Project Area and implement the affordable housing requirements of the Community Redevelopment Plan. In addition, the Hayward Redevelopment Area Committee ("HRAC"), which serves as the Project Area Committee, has recommended additional policies for inclusion in the Implementation Plan and is particularly supportive of the rental housing rehabilitation program in the Implementation Plan. Accordingly, the City Council hereby approves and adopts such Implementation Plan, together with the following additional goals:

A. The City of Hayward and the Redevelopment Agency shall contact the Hayward Unified School District and the Hayward Area Park and Recreation District (HARD) to explore improvement of the Burbank School facility.

B. Retain the small-scale, single family character of the established Burbank and Santa Clara residential neighborhoods and preserve the existing architectural styles in such neighborhoods, including but not limited to the Ramos bungalow style.

C. As to the "B" Street area, preserve the Victorian homes and the sycamore trees.

D. Revenue sharing of tax revenue between the Project's Existing Area and the Project's Added Area will be accounted for.

HAYWARD, CALIFORNIA _____, 1998

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ATTEST:

Secretary of the Redevelopment Agency
of the City of Hayward

APPROVED AS TO FORM:

General Counsel